

277 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.25247 of 2016 (O&M)

Date of decision : 05.08.2016

Gulzar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. H.S.Multani, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Ms. Amandeep Sibia, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.69, dated 19.06.2016 registered under Sections 306/506/149 IPC at Police Station City Budhlada, District Mansa.

The allegations are that Varinder Singh had taken the money from the deceased to send him to Malaysia on a work permit but instead

sent him on a tourist visa and it was a great deal of difficulty that deceased was able to come back after having been in jail in Malaysia. When the deceased asked Varinder Singh to return his money Varinder Singh refused and at that time the petitioner was accompanying Varinder Singh and all of them had threatened the deceased and as a result of that the deceased had committed suicide.

Learned counsel for the petitioner has argued that the petitioner had not taken any money from the deceased and even if he was accompanying Varinder Singh it can not be said that he had the intention or knowledge that the deceased would commit suicide because he had no knowledge about the deceased before that day.

Learned counsel for the complainant and learned Deputy Advocate General, on instructions from ASI Baldev Singh are not in a position to dispute the factual assertion that the petitioner had not taken any money from the deceased.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section

438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 11.08.2016 and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

05.08.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No