

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-3110 of 2016 (O&M) Date of Decision: 06.04.2016
Baljit Singh --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M-4883 of 2016 (O&M)
Surjit Singh & another --Petitioners

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Thind, Advocate for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-3110 of 2016 (Baljit Singh Vs. State of Punjab) and CRM No. M-4883 of 2016 (Surjit Singh & another Vs. State of Punjab) as both these connected petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners therein in case F.I.R. No.1 dated 3.1.2016 under section 306 I.P.C, registered at Police Station, City-I Abohar, District Fazilka.

On 29.1.2016, while issuing notice of motion in CRM No. M-3110 of 2016, the following order was passed by this Court:-

“Petitioner seeks concession of anticipatory bail in case FIR No.1 dated 03.01.2016, under Section 306 IPC, registered at Police Station City Abohar, District Fazilka.

FIR has been registered on the statement of Harbans Kaur. Her husband Ashok Kumar is stated to have committed suicide on 03.01.2016 by hanging himself.

Allegations as per complainant are that earlier in point of time an FIR had been registered on 15.01.2015 at the instance of deceased Ashok Kumar and in which the present

petitioner-Baljit Singh as also certain others were named as accused and the precise allegation pertaining to that FIR was that the petitioner had caused injuries to Ashok Kumar. Such FIR is stated to be still under investigation. Complainant Harbans Kaur has now alleged that the petitioner had been pressurizing her husband Ashok Kumar to enter into a compromise in the matter and it is under such circumstances that her husband committed suicide.

Argument raised by the counsel is that even as per version contained in the FIR, no direct or overt act has been attributed to the petitioner on the basis of which offence as regards abetment of suicide would be made out and falls within the mischief of Section 306 IPC.

Notice of motion, returnable for 06.04.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Likewise, notice of motion order dated 10.2.2016 passed in CRM No. M-4883 of 2016 reads in the following terms:-

“Counsel for the petitioners would refer to order dated 29.01.2016 passed by this Court in CRM No.M-3110 of 2016 wherein co- accused Baljit Singh and against whom there were similar allegations had been granted ad interim protection.

Notice of motion, returnable for 06.04.2016.

To be listed alongwith CRM No.M-3110 of 2016.

In the meanwhile, petitioners are directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be

CRM No. M-3110 of 2016 (O&M) -3-

released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Rajbir Singh would apprise the Court that the petitioners in both these connected petitions have since joined investigation and no recovery is to be effected from the petitioners.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, both these connected petitions are allowed. The order dated 29.1.2016 passed in CRM No. M-3110 of 2016 and order dated 10.2.2016 passed in CRM No. M-4883 of 2016, are made absolute.

Petitions are disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.04.2016
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