

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

CRM-M-2784-2017 (O&M)
Date of decision : 12.10.2017

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by ASI Jaswinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.233 dated 25.12.2016, registered under Section 304-B of the Indian Penal Code, at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

Learned counsel contends that the petitioner is the brother-in-law (*jeth*) of the deceased. The deceased was suffering from cancer from last six months. He has joined the investigation in pursuance of the orders passed by this Court. The co-accused/husband of the deceased is already in custody.

On the other hand, learned State counsel, on instructions, informs that though the petitioner has joined the investigation, but the recovery of dowry articles and Rupees six lakh is yet to be effected.

Heard.

On 27.01.2017, the following order was passed:-

“Learned counsel has referred to an order dated

19.01.2017, vide which the anticipatory bail was granted to the wife of present petitioner. Petitioner is the brother-in-law of the deceased and the allegations in the FIR that she was being harassed on account of bringing less dowry. Moreover, the deceased was suffering from cancer for the last six years and this fact was not brought to the notice of the family members of the petitioner.

Notice of motion for 23.02.2017.

At this stage, Mr. Ranbir Singh Rawat, Advocate, accepts notice on behalf of the complainant.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C:-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;*
- ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- iii. a condition that the person shall not leave India without the previous permission of the Court;*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail was granted under that section.*

To be heard along with CRM-M-1492-2017.”

Considering the facts that the death took place in the parental home of the deceased, the co-accused/husband is already in custody, the petitioner is the brother-in-law of the deceased and he has joined the

investigation in terms of the orders passed by this Court, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 27.01.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

12.10.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No