

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

**CRM No.M-4404 of 2017 (O&M)
Date of Decision: 06.04.2017**

Baldev Singh & others

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. J.S. Ghuman, Advocate for
Mr. ADS Sukhija, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. D.S. Randhawa, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.381, dated 13.12.2016, under Section 306 IPC, registered at Police Station Tripuri, District Patiala.

On 09.03.2017, the following order was passed by this Court:

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.381 dated 13.12.2016, under Section 306 IPC, registered at Police Station Tripuri, Patiala.

Mr. A.D.S. Sukhija, at the very outset, submits that he would not be pressing the instant petition qua petitioner No.2 Jaspal Singh son of Baldev Singh.

Accordingly, the present petition survives only or petitioners No.1 and 3 and stands dismissed as withdrawn qua petitioner No.2 Jaspal Singh.

FIR came to be registered on the statement of Devinder Singh

and with regard to his father Gurlabh Singh having committed suicide by consuming some poisonous substance. Complainant had alleged that his father was an agriculturist and used to sell the produce at the Commission Agent shops running under the name and style of Baldev Singh & Brothers, Tiwana Traders and Chardikala and Company. Land was sold in the year 2008 to third party and such transaction was facilitated through the accused who was running the Commission Agent business and the sale consideration amount was not made over to Gurlabh Singh. After lapse of time and seeing no other option Gurlabh Singh has approached the Kisan Union for taking action against the Commission Agents. The Kisan Union is stated to have protested in front of the house of the Commission Agents. Further allegation is that on 30.11.2016 when members of the Kisan Union as also the complainant party were in front of the house of the Commission Agents then co-accused Harjit Singh and Sapinder Singh sons of Baldev Singh had reached at the spot and had used derogatory language and had openly proclaimed that the Union may do whatever but the money would not be returned. Allegation is that the accused even called upon Gurlabh Singh to do whatever and if he wishes he may also die. It is alleged that under such extreme circumstances, Gurlabh Singh consumed some poisonous substance leading to his death. Petitioner No.1 herein is stated to be aged about 80 years. Petitioner No.3 in the memo of parties has been shown to be aged about 18 years but Mr. Sukhija during the course of arguments has very fairly pointed out that he would actually be approximately 21 years of age.

Keeping in view the advanced stage of petitioner No.1 as also the fact that petitioner No.3 in relation to point of time of the alleged sale of land of Gurlabh Singh would be a child of approximately 15 years only, this Court is inclined to extend in their favour interim protection as regards arrest at this stage subject to their joining investigation.

List on 06.04.2017.

In the meanwhile, petitioners No.1 and 3 are directed to

appear before Investigating Officer and to join investigation.

In the event of arrest, petitioners No.1 and 3 shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. Petitioners No.1 and 3 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 Jarnail Singh would apprise the Court that the petitioners No.1 and 3 have since joined investigation and are no longer required for any custodial interrogation.

Accordingly, prayer made in the instant petition qua petitioners No.1 and 3, namely, Baldev Singh and Jagjeet Singh is accepted. Order dated 09.03.2017 passed by this Court is made absolute

Disposed of.

06.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |