

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7221 of 2017 (O&M)

Date of Decision: 17.04.2017

Vikas Kumar

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.43 dated 12.03.2016 under section 306 I.P.C, registered at Police Station, C-Division, Amritsar, District Amritsar.

On 3.3.2017, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.43, dated 12.03.2016, under Section 306 IPC, registered at Police Station C-Division, Amritsar, District Amritsar.

FIR has been registered on the statement of Jaswinder Kaur and in relation to her husband, namely, Harinderpal Singh having committed suicide on 11.03.2016 by consuming some poisonous substance.

Counsel would submit that even as per version of the complainant, the present petitioner had allegedly taken a certain sum of money to secure a loan for the deceased and such money had not been returned and neither was the loan advanced. It is argued that against the backdrop of such allegations, even if the same are taken to be correct at their face value, yet it would be a moot point as to whether the offence of abetment to suicide is made out.

Counsel has also adverted to the document placed on record at Annexure P-2 to contend that the deceased was having strained relations

with her wife i.e. the complainant and a number of criminal proceedings had already been initiated by the wife against the husband.

Notice of motion, returnable for 17.04.2017.

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

In the event of arrest, the petitioner shall be released on interim bail subject to 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.”

Learned State counsel upon instructions from ASI Sarbjit Singh would apprise the Court that the petitioner has since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.3.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.04.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No