

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 25.10.2018

1. CRM-M-41411-2018

Harjinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

2. CRM-M-42247-2018

Chand Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gurnam Singh, Advocate for
the petitioner in CRM-M-41411-2018.

Mr. Barjinder Singh, Advocate
for the petitioner in CRM-M-42247-2018.

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J.

This order shall dispose of CRM-M-41411-2018, filed by petitioner-Harjinder Singh and CRM-M-42247-2018, filed by petitioner-Chand Singh, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.231 dated 26.07.2018, registered at Police Station City Rajpura, District Patiala, under Section 306 of the Indian Penal Code.

Notice of motion was issued in both these petitions.

Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as

learned State counsel and have gone through the record.

As per the FIR, Gulab Singh had committed suicide and a suicide note is also there. As per the complainant version as well as the suicide note, Harjinder Singh along with other persons had taken money from Gulab Singh and they had not returned the same. Qua Chand Singh, it is written in the suicide note that he had taken ₹1,00,000/- from him (Gulab Singh) and had not returned the same, whereas qua Harjinder Singh, it is written in the suicide note that he had taken ₹1,85,000/- and he had issued cheques, which had been dishonoured and litigation is pending qua these dishonoured cheques. At this stage, there is no allegation either in the suicide note or in the FIR that they had ever threatened the complainant or had given any threat to kill him etc.

In pursuance of the interim orders dated 20.09.2018 and 25.09.2018 passed in CRM-M-41411-2018 and CRM-M-42247-2018 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 20.09.2018 and 25.09.2018 granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, it is made clear that any observation made

hereinabove shall not be construed as an expression of opinion on the merits of the case.

25.10.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No