

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-5040 of 2018 (O&M)
Date of decision : 30.08.2018

Manish Batta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Navkiran Singh, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of pre-arrest bail in case FIR No.06 dated 18.01.2018, registered under Section(s) 306/34 IPC at Police Station Bhadson, District Patiala.

Reply by way of affidavit of Devinder Kumar, PPS, DSP Circle, Nabha, District Patiala on behalf of respondent(s)-State has been filed. Same is taken on record. Copy has been supplied.

Admittedly, there was long-drawn litigation with regard to 119 bighas 9 biswas of land. Rajiv Kumar alias Jagdish Raj alias Faquir Chand filed a suit for declaration on 20.03.1989 which was decreed vide judgment dated 25.04.1990, passed by the learned Addl. Senior Sub Judge, Nabha and sale deed No.60 in favour of deceased Amarjit Singh etc. was

set aside. Then said Amarjit Singh filed a civil suit No.254T/239/T dated 09.06.1988 (Annexure P-4) for specific performance which was dismissed vide judgment dated 23.09.1991, passed by the learned Sub Judge Ist Class, Nabha.

Against the aforesaid judgment, Amarjit Singh filed first appeal which was dismissed and then he preferred RSA Nos.1730 and 1731 of 1995 which were also dismissed by this Court, vide judgment dated 16.01.2018.

On the very next day of the passing of the said judgment dated 16.01.2018 i.e. on 17.01.2018, Amarjit Singh committed suicide leaving behind suicide note which is already reproduced in the order dated 07.02.2018.

Learned State counsel has stated that the petitioner has joined the investigation and nothing is to be recovered from him.

There are debatable issues that will be decided during trial.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case.

Resultantly, the interim order dated 07.02.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(RAJ SHEKHAR ATTRI)
JUDGE

30.08.2018
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No