

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-1921 of 2019
Date of Decision: 05.09.2019

Kishore Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Amanpreet Kaur Sabharwal, Advocate and
Ms. Sarbhjeet Kaur, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Shranav Katyal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.75 dated 13.12.2018 under Sections 304-B IPC registered at Police Station Naya Goan, District Mohali (Annexure P-1).

On 30.01.2019, following order was passed by this Court:-

“Learned counsel for the petitioner states that the allegation against the petitioner is that about 20-25 days prior to the suicide by deceased-Sunita Rani, petitioner has asked for an amount of Rs.30,000/- from the father of the deceased so as to get his Auto repaired. She further states that it was merely a financial help.

Adjourned to 08.04.2019.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

Thereafter, vide subsequent order dated 16.05.2019, the petitioner was granted interim bail to the satisfaction of the arresting officer on his joining investigation.

Learned State counsel, on instructions from ASI Nishan Singh, submits that though the petitioner has joined investigation but since the allegation against the petitioner is for offence under Section 304-B IPC, which is serious in nature, he does not deserve any leniency.

At this stage, Mr. Shranav Katyal, Advocate has put in appearance on behalf of the complainant and argued that the contents of the FIR does reflect that the allegations against the petitioner are serious. The complainant has given separate complaint to the police, which has not been acted upon so far. The complainant had even approached this Court by way of CRM-M-28289-2019 titled as *Saraswati Arya Vs. State of Punjab & ors.* for transfer and the fair investigation in the case, which was disposed of vide order dated 05.07.2019 with a direction to SSP, Mohali to expedite the investigation. However, when the investigation was not conducted in a time bound manner, the complainant has filed a contempt petition also, which is pending consideration.

I have heard learned counsel for the parties.

The argument raised by learned counsel for the complainant that they have filed a separate complaint with a different version, cannot be accepted at this stage, as the said complaint is not before this Court. Since this petition relates to FIR (Annexure P-1), this Court has to take into

consideration the contents of the FIR only. As regards filing of a contempt petition, this Court finds that there was no time bound direction issued to the State and this Court has serious doubt about the maintainability of the contempt petition.

Therefore, without observing anything on the merits of the contempt petition but considering the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 16.5.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

September 05, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No