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

CRM-M-11247 of 2019 (O&M)

Date of decision: September 06, 2019

Rohit Bhatt @ Davinder Kumar Bhatti and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dinesh Nagar, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

Ms. Jasneet Mehra, Advocate for

Ms. Sheena Khanna, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioners, in FIR No.16 dated 08.02.2019, under Section 306 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Nawanshahr (SBS Nagar).

On 14.03.2019, this Court has passed the following order:-

“On instructions from ASI Surinder Pal, learned State counsel submits that petitioner No.1-Rohit Bhatt @ Davinder Kumar Bhatti is juvenile and therefore the police is not going to arrest him.

Learned State counsel wishes to place on record the copy of the dying declaration suffered by deceased-Amandeep.

Adjourned to 09.04.2019.”

On 13.05.2019, this Court has passed the following order:-

“It has been pointed out by learned Counsel for the petitioners that even in the alleged Suicide Note, name of petitioner No.2-Hussan Lal Bhatti is not mentioned.

Learned State Counsel seeks time to have instructions in the matter regarding the complicity of petitioner No.2.

Adjourned to 05.08.2019 for further consideration.

In the meanwhile, petitioner No.2-Hussan Lal Bhatti is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. Petitioner No.2 is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Sub Inspector Mohinder Singh has stated that in terms of order dated 13.05.2019, petitioner No.2 has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 13.05.2019 granting interim bail to petitioner No.2, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that petitioner No.2 shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 06, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No