

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

Date of Decision : 14.02.2019

1. CRM-M No.48278 of 2018 (O&M)

Rajinder Singh (alleged as Raja Singh in FIR)

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M No.4067 of 2019 (O&M)

Joban Singh @ Partap Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Varun Veer, Advocate for
Ms. Deepshikha Chauhan, Advocate
for the petitioner (CRM-M-48278-2018).

Mr. J.S.Brar, Advocate
for the petitioner (CRM-M-4067-2019).

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Complainant in person.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two petitions.

These petitions have been filed for grant of pre-arrest bail to the

petitioners under Section 438 Cr.P.C. in case FIR No.213 dated 16.09.2018 registered under Sections 306/506 IPC at Police Station City Faridkot, District Faridkot, Punjab.

On 31.10.2018 the following order was passed in **CRM-M-48278-2018** :-

“The allegation against the petitioner and his associates is that on 14.9.2018, they caused injuries to the deceased and on 15.9.2018 at about 1:30 p.m., the deceased committed suicide by hanging. The mother of the deceased lodged the FIR.

It has been argued that liability of the petitioner qua offence under Section 306 Indian Penal Code is debatable.

Notice of motion for 14.2.2019.

In the meanwhile, the petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2) (i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

Today the complainant has appeared and stated that first because of the bad treatment by the petitioner/s her son committed suicide and now the petitioner/s and their family members are threatening her for having lodged this case against them.

Counsel for the petitioner/s state that the petitioner/s or their family members undertake not to trouble the complainant in any manner.

Deputy Advocate General suggests that to give a sense of security to the complainant it may be stipulated that the petitioner/s would not enter

Faridkot during the pendency of the case and an undertaking be got recorded from the male members of their families that they would not in any manner harass or trouble the complainant.

Counsel for the petitioner/s have accepted these conditions.

Learned Deputy Advocate General on instructions from ASI Swaran Singh accepts the fact that the petitioner/s have joined the investigation and are no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner/s.

Resultantly, the petitions are allowed. The interim order dated 31.10.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. with the further stipulation that the petitioner/s will not stay within the City limits of Faridkot during the pendency of the case and the male members of their families would appear before the Investigating Officer and give an undertaking that they would not trouble and harass the complainant in any manner.

Since the main cases have been decided, the pending criminal miscellaneous application, if any, also stand disposed of.

14.02.2019
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No