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

CRM-M-22633 of 2019

Date of decision: September 18, 2019

Nitin Kumar and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok Singla, Advocate for the petitioners.

Mr. V.G. Jauhar, Senior DAG Punjab.

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.49 dated 01.05.2019, under Sections 306, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Gidderbaha.

On 17.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that merely asking for refund of loan amount cannot be termed as offence under Section 306, IPC.

Notice of motion for 19.07.2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide

by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from police official present in Court to assist him, has stated that in terms of order dated 17.05.2019, the petitioners have joined investigation and their custodial interrogation is not required.

In view of the above, order dated 17.05.2019 granting interim bail to the petitioners, 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 the petitioners 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 18, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No