

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

212

**CRM-M-50938-2018
Date of Decision: 07.05.2019**

TARSEM KUMAR GABA @ TINKU GABA**PETITIONER**

VERSUS

STATE OF PUNJAB AND ANOTHER**RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr.Bhanu Partap Singh, Advocate
for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

Mr. Mantaram Singh Ghuman, Advocate
for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.219 dated 01.09.2018, under Sections 306/34, registered at Police Station GRP Ludhiana, District Government Railway Police.

Learned counsel for the petitioner contends that the allegations against the petitioner in the FIR are that he had borrowed money from the deceased and on account of his refusal to repay, the deceased committed suicide. He contends that the FIR was registered after four months of the death of the deceased and the suicide note was allegedly recovered after more than one month of the incident. He also contends that the mere fact that the deceased had demanded his money from the petitioner and on the refusal of the petitioner to repay the same, he committed suicide would not prima facie constitute an offence under Section 306 IPC.

A coordinate Bench of this Court, by the order dated 26.11.2018, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Hardham Singh, states that the petitioner has joined investigation but the money has to be recovered.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 26.11.2018 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 07, 2019

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No