

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

212

CRM-M-27185-2019(O&M)

Date of Order:30.09.2019

SUKHWINDER SINGH GILL

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. SPS Tinna, Addl. A.G., Punjab

Mr. G.B.S.Dhillon, Advocate, for the complainant.

ANIL KSHETARPAL, J(Oral)

On 21.06.2019, following order was passed:-

“Learned counsel for the petitioner contends that from the bare reading of the FIR, offence under Section 306 of the Indian Penal Code is not made out.

On the other hand, Mr. G.B.S.Dhillon, Advocate, who appears for the complainant submits that the petitioner was a partner along with the deceased (husband of the complainant) and the petitioner after borrowing amount did not return.

It is debatable as to whether offence under Section 306 of the Indian Penal Code is made out even as per the allegations made in the alleged suicide note or not?

Notice of motion for 02.08.2019.

On asking of the Court, Mr. Shireesh Gupta, Sr. DAG, Punjab, accepts notice on behalf of the State. A copy of the petition be handed over to Mr. Shireesh Gupta, Sr. DAG, Punjab, during the course of the day.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C

Learned State counsel, on instructions from ASI Jarnail Singh has submitted that the petitioner in this case has joined the investigation, cooperated and is not required for further custodial interrogation.

Learned counsel for the first informant has opposed the prayer on the ground that in the suicide note, petitioner has been specifically named.

In the considered view of this Court, as to whether or not offence under Section 306 of the Indian Penal Code is made out shall have to be adjudicated upon by the Court during the trial. At this stage, this Court is only considering prayer for pre-arrest bail.

Once, the petitioner has joined the investigation, cooperated and the Investigating Officer has stated that he does not require custodial interrogation, at this stage, therefore, the interim order dated 21.06.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

September 30, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No