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

CRM-M-30384 of 2019 (O&M)

Date of decision: September 17, 2019

Sunish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. H.S. Multani, AAG 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 petitioner, in FIR No.101 dated 10.05.2019, under Sections 306, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Rama Mandi, District Jalandhar.

As per prosecution case, brother of the complainant, namely Pavitar Singh (since deceased) committed suicide as petitioner and others had not returned his money.

On 19.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that allegation against the petitioner is that deceased had given some amount to the petitioner, but he did not return the same to the deceased. Further contends that there is no allegation regarding the abetment to commit suicide.

Notice of motion for 17.09.2019.

In the meanwhile, the petitioner 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. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in terms of order dated 19.07.2019, petitioner has joined investigation.

In response to the above submission, learned State counsel, on instructions from Head Constable Balwinder Kumar, has apprised that after investigation, cancellation report has been prepared and will be filed in due course of time before the Court of competent jurisdiction. Also stated that, in terms of order dated 19.07.2019, the petitioner has also joined investigation and his custodial interrogation is not required.

In view of the above, order dated 19.07.2019 granting interim bail to the petitioner, 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 petitioner 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 17, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No