

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30375-2019

Date of Decision: 20.11.2019

Kashmir Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Mumtaj Khan, Advocate for the complainant.

...

Manoj Bajaj, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.148 dated 27.06.2019 under Sections 306/34 IPC, 1860, registered at Police Station Beas, District Amritsar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 19.07.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that victim Dalbir Singh voluntarily hanged himself after having dispute with his wife, namely, Jasbir Kaur. It is pointed out that occurrence took place at midnight and complainant was at home, and according to him, the room was bolted by the victim before taking the extreme step. He submits

that the petitioner has been indicted only on the ground that he happens to be uncle of Jasbir Kaur. In the given facts, the custodial interrogation of the petitioner may not be required.

Notice of motion for 20.11.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Joginder Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Joginder Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.07.2019 is made absolute.

20.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No