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

CRM-M-47448 of 2019

Date of decision: December 02, 2019

Hardev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

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

Mr. Dushyant Sarvesh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J

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.142 dated 21.08.2019, under Sections 306, 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Sangrur.

The above FIR was registered on the basis of statement of Sarabjit Kaur wife of Bagel Singh (since deceased), with the allegations that her husband purchased one truck bearing No.PB-13-A-5824 for a sale consideration of ₹5,35,000/- from Hardev Singh (present petitioner) about two years ago and there was a loan to the tune of ₹3,00,000/- outstanding against the said vehicle. Further alleged that deceased had repaid the entire loan amount. One Prem

Kumar, dealer was the middle man for purchase of said truck and his brother, namely Surjit Kumar had stolen the same from *Dana Mandi* while breaking its lock, whereas, papers of vehicle were kept by the present petitioner. Also alleged that accused committed fraud with the deceased and on account of which he became perturbed. Thereafter, on 01.08.2019, he consumed some medicines and was admitted in Sibia Hospital, but ultimately, on 21.08.2019, died in Rajindra Hospital, Patiala.

On 07.11.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that deceased remained admitted in the hospital w.e.f. 01.08.2019 till 21.08.2019 but he never raised any grievance against the petitioner.

Notice of motion for 02.12.2019.

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 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.

Mr. Dushyant Sarvesh, Advocate has put in appearance on behalf of the complainant and files his power of attorney, which is taken on record.”

Learned State counsel, on instructions from police official present in Court, has stated that in terms of order dated 07.11.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 07.11.2019 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

December 02, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No