

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.11120 of 2020 (O&M)

Date of Decision: December 03, 2020

Kulwinder Singh Pawar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nitin Sharma, Advocate for
for the petitioner.

Mr. Avtar Singh Sandhu, Addl.A.G.Punjab.

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 case FIR No.9 dated 04.01.2020, under Sections 306 and 149 IPC, registered at Police Station, City 2 Mansa, District Mansa. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.08.2020, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-20927-2020

This is an application for preponing the date of hearing of the main case to an early date.

Learned counsel for applicant-petitioner contends that

the petition was filed on 08.03.2020 and the notice of motion was issued on 17.03.2020, however, no interim protection was extended to applicant-petitioner, therefore, he prays for preponement of the date of hearing in the present case.

Notice of the application.

At this stage, Mr. S.P.S. Tinna, Addl.A.G., Punjab, accepts notice on behalf of respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is pre-poned to today. CRM-M-11120-2020

Learned counsel for the petitioner contends that the victim was already under debts and, therefore, voluntarily ended his life. According to learned counsel, the name of the petitioner was not mentioned in the FIR by the complainant and the allegations were levelled against the other co-accused. According to him, the petitioner was indicted as an accused on the strength of the statement made by the co-accused. He further submits that the victim was a builder and received money from various persons including the petitioner's wife, who failed to deliver the possession of the flat and in this regard, civil litigation is also pending. It is submitted that in the given facts, the custodial interrogation of the petitioner may not be necessary.

Adjourned to 03.12.2020.

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 does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Kulwant 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 28.08.2020 is made absolute.

December 03, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No