IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(201) **CRM-M-12976-2020**
Date of Decision: August 26, 2020

Manmohan Singh alias Sonu **.. Petitioner**

Versus

State of Punjab **.. Respondent**

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarabjit Singh Grewal, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No 84 dated 22.04.2020 under Sections 306, 34 IPC registered at Police Station Maur, District Bhatinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 03.06.2020. Order dated 03.06.2020 is as under:-

> *"This petition has been taken for hearing through video conference due to Covid-19 pandemic.*
>
> *Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No.84 dated 22.04.2020, under Section 306 read with Section 34 IPC, registered at Police Station Maur, District Bathinda.*
>
> *Learned counsel for the petitioner submits that the only allegation in the FIR is that there were illicit relations between the petitioner and the wife of Kulwinder Singh, due to which, Kulwinder Singh has committed suicide. Learned counsel for the petitioner argues that even as per the FIR, the deceased alongwith his wife were living in Maur Mandi since January,*

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2017 and there is no allegation that there was any incident thereafter, which would implicate the petitioner so as to invite Section 306 IPC at the time when after Kulwinder Singh (deceased) committed suicide.

Learned counsel for the petitioner further submits that there is no suicide note, pointing finger towards the petitioner in any manner and he has only been falsely implicated in the present case at the instance of mother of the deceased.

Notice of motion for 26.08.2020.

Mr. Ajay Pal Singh Gill, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel has not been able to point out, at this stage, any fact which has come in the investigation, pointing any finger towards the petitioner that there was an immediate provocation from the side of the petitioner, due to which, Kulwinder Singh committed suicide. Further, learned State counsel concedes that nothing is to be recovered from the petitioner. It is further conceded by the learned State counsel that Kulwinder Singh-deceased alongwith his family was living in Maur Mandi for last more than three years whereas petitioner is a resident of Mansa.

Learned counsel for the petitioner undertakes that the petitioner will immediately join and cooperate in the investigation.

I have heard learned counsel for the parties and have gone through the record.

Keeping in view the facts and circumstances recorded above especially that deceased-Kulwinder Singh was living alongwith his wife in Maur Mandi since January, 2017 and no recovery is to be effected from the petitioner, the petitioner is directed to join the investigation. In the event of his arrest, he shall be released on interim bail to the satisfaction of the

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Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his satisfaction subject to the following conditions:-

"(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C." .

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Gurtej Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 03.06.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

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The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 26, 2020
harsha/naresh.k

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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