

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.20247 of 2020

Date of Decision: October 06, 2020

Balwinder Singh Bath @ Kulwinder Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Ghuman, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, 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.91 dated 03.06.2020, under Sections 306 and 120-B IPC, 1860, registered at Police Station, Khanna, District Ludhiana. 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 24.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

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By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.0091, dated 03.06.2020 having been registered at Police Station Sadar Khanna, District Ludhiana, alleging

therein the commission of offences punishable under Sections 306 and 120-B of the IPC.

Learned counsel for the petitioner submits that even a bare reading of the FIR shows that the only allegation against the petitioner is that he put pressure on his niece, i.e. the wife of the deceased, to get land transferred to her from the deceased.

He therefore submits that with her already being in custody, the petitioner, i.e. her uncle, does not deserve to be put in custody, and in fact cannot be alleged to have abetted the suicide of the deceased.

Per contra, learned counsel appearing for the complainant submits that, firstly, the petitioner having pressurised his niece who in turn thereafter harassed and pressurised the deceased, he too would be an accomplice alongwith his niece to abetment of suicide.

He further submits that supplementary statements were also made by the father of the deceased, to the effect that the deceased had told him that his wife as also the petitioner were putting pressure on him.

Learned State counsel submits that though the report under Section 173 Cr.P.C. has already been submitted qua the co-accused, i.e. Simranjit Kaur (the petitioner in the accompanying petition bearing CRM-M20147-2020), but no prosecution witness has been examined so far, possibly due to the ongoing pandemic.

Having considered the matter, without making comment on the actual merits of the case, at this stage it is considered appropriate that the petitioner be directed to join investigation and and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court. Adjourned to 07.09.2020.

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Adjourned to 07.09.2020.

To be heard alongwith CRM-M-20247-2020. A photocopy of this order be placed on the file of the connected case. ”

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 Baljit 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 24.08.2020 is made absolute.

October 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No