

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

114

**CRM-M-22072-2020
Date of decision : 07.08.2020**

Sohan Lal

...Petitioner

Versus

State of Punjab

...Respondent

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IN VIRTUAL COURT

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CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 438 of the Cr.P.C. for seeking anticipatory bail to the petitioner in FIR No. 23 dated 26.06.2020, under Sections 306, 323, 34 IPC, registered at Police Station GRP, Patiala, Punjab.

It is contended by learned counsel for the petitioner that the case against the petitioner has been concocted through the statement of the complainant, which has been obtained by the police under pressure. As per the allegations, the husband of the complainant was picked up by the petitioner on 24.06.2020. However, on 24.06.2020, the now deceased husband of the complainant had been medically examined and as per the MLR, the injuries on the body of the deceased husband of the complainant were found to be within 24 hours and the history of assault, as given by the husband of the complainant himself, was stated to be of 23.06.2020. Not

only this, even the now deceased husband of the complainant had made a statement that it is not the petitioner who had caused the injuries, rather, it is the police persons at Jalandhar, who had caused him the injuries during the inquiry, which they were conducting against the present petitioner; and in which they tried to extract a statement from the deceased against the present petitioner. Hence the instigation to the deceased husband of the complainant to commit the suicide, if any, had come only from police at Jalandhar and not from the present petitioner. Even otherwise, as per the allegation of the prosecution, the deceased was working as conduit for the petitioner. Therefore, there was no reason or occasion for the petitioner to cause injuries to him or to instigate him to commit suicide.

Notice of motion.

Mr. Hitten Nehra, Addl.A.G., Punjab, accepts notice on behalf of the respondent.

It is submitted by learned counsel for the State that the name of the petitioner has been specifically mentioned in the statement of the complainant. The complainant has given an eye witness account that her deceased husband was earlier picked up by the present petitioner and he had subsequently committed suicide. However, it is not disputed that the deceased husband of the complainant himself had made a statement before his death that it was the police at Jalandhar, who had given him the beatings and was threatening him. It is also not disputed that as per the MLR, the history of assault upon deceased husband of the complainant is of 23.06.2020, i.e. one day before the alleged picking up of the deceased husband of the complainant by the petitioner.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to the satisfaction of the Arresting Officer, in case he is arrested. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

07.08.2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No