

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.28504-2020

Date of Decision: November 06, 2020

Gurnam Singh @ Gama & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioners.

Mr. Manreet Singh Nagra, AAG, Punjab.

Ms. Ameena Singh, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.126 dated 09.08.2020, under Sections 306 and 34 IPC, 1860, registered at Police Station, Lambra, District Jalandhar Rural. The petitioners apprehended their arrest at the hands of police in the above FIR.

On 18.09.2020, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

The petitioners-Gurnam alias Gama and Jaswant Rai @ Makhan have filed (first) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.126 dated 09.08.2020 registered under Sections 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station Lambra, District Jalandhar Rural.

Learned Counsel for the petitioners has submitted that the petitioners have committed no offence whatsoever and have

been falsely implicated in the case. In the FIR three versions have been given by the complainant. There is no allegation in the FIR that the petitioners ever abetted the deceased Manish Gupta to commit suicide. There was transaction of sale deed executed by Hemant Rai in favour of the deceased in 2019. The petitioners had no role to play in the transaction between Hemant Rai and deceased. The complainant has alleged that possession of the land sold was not given to the deceased. The deceased could have filed civil suit for obtaining possession of the land transferred by way of sale deed executed in his favour. The petitioners were neither executant nor witnesses of the sale deed. The FIR has been registered while naming the petitioners with the sole motive to harass and humiliate the petitioners. The petitioners are ready to join the investigation and their custodial interrogation is not required for effecting any recovery.

Notice of motion.

Pursuant to supply of advance copy, Mr. Sidakmeet Sandhu, Asstt. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. Vikram Anand, Advocate has appeared on behalf of the complainant and has sent copy of his power of attorney through e-mail, print out of which is taken on record.

Learned State Counsel and learned Counsel for the complainant have submitted that possession was not given to the deceased despite execution of sale deed dated 25.10.2019 by Hemant Rai in his favour. The petitioners alongwith their co-accused went to shop of the deceased on 08.08.2019 and threatened the deceased with dire consequences and threatened to implicate him in false cases. However, learned State Counsel and learned Counsel for the complainant seek time to file detailed reply.

Adjourned to 06.11.2020.

Reply alongwith relevant documents be filed by the respondents in the Registry before that date.

In the meanwhile, the petitioners are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them.”|

Learned State counsel, on instructions from ASI Manjit Singh, contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. He further states that the petitioners are not required for custodial interrogation for the time being.

Though on 07.10.2020, the complainant was impleaded as respondent No.2, but the notice could not be issued to him as no process fee was deposited.

Considering the stand of the learned State counsel, this Court does not deem it appropriate to adjourn this case only to serve respondent No.2, who is otherwise represented by the State.

The petition is allowed and the interim bail granted by this Court vide order dated 18.09.2020 is made absolute.

November 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No