

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

213-1

CRM-M-38554 of 2019

Date of Decision: 27.01.2020

Avtar Singh

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ**

Present: Mr.Vaibhav Narang, Advocate for the petitioner.

Mr.P.S.Walia, AAG, Punjab.

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**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.123 dated 15.05.2019 under Sections 306 and 34 IPC, registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that mere demand of share on behalf of one of the successors in interest to the property left behind by the ancestors would not constitute an abetment much less to drive the victim to commit suicide particularly when the civil suit between the parties is already pending. Further reliance is placed upon the order dated 22.07.2019 (Annexure P-4) whereby co-accused has been extended the concession of pre-arrest bail.

Notice of motion for 27.01.2020.

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.

At this stage, Mr.Ruhani Chadha, Advocate appears on behalf of the complainant by filing Memo of Appearance in Court today. The same is taken in record.

Learned State counsel who is assisted by ASI Sudesh does not dispute this fact that the petitioner has joined the investigation. He on instructions from ASI Sudesh further submits 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 11.09.2019 is made absolute.

27.01.2020  
Anjal

[ MANOJ BAJAJ ]  
JUDGE

**Whether speaking/reasoned :**  
**Whether Reportable :**

**Yes/No**  
**Yes/No**