

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

**CRM-M-39037-2019
Date of decision-31.01.2020**

Sucha Singh **...Petitioner**
Vs.
State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Goyal, Advocate for the petitioner.
Mr. Prabhjot Singh Walia, AAG, Punjab.
Mr. D.S.Sobti, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.48 dated 27.04.2019 under Section 304 of Indian Penal Code, 1860 registered at Police Station Koom Kalan, District Police Commissionerate Ludhiana. 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 13.09.2019 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 son of the complainant, namely, Shera Singh was a drug addict and died on 24.04.2019 and the FIR was registered after three days on 27.04.2019. According to him, the victim was accompanied by one Lakhwinder Singh when he turned unconscious and fell down. However, the victim was taken to hospital by his father. He submits that the petitioner has been indicted on the statement of Lakhwinder Singh on the ground that the alleged drug was injected by the petitioner. According to him, conduct of Lakhwinder Singh is seriously doubtful whose presence is not established with the victim, who was

brought to hospital by father.

Notice of motion for 31.01.2020.

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.

On the other hand, learned counsel appearing on behalf of the complainant opposed the prayer.

Learned State counsel who is assisted by ASI Kamaljit Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Kamaljit 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 13.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

31.01.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No