

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

**201**

**CRM-M-7487-2020**

**Date of decision: 27.01.2021**

Sukhwinderjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. H.S. Randhawa, Advocate for  
Mr. Nagar Singh, Advocate  
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab  
for respondent No.1-State.

Mr. Shaurya Puri, Advocate  
for respondent No.2/complainant.

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**ARUN KUMAR TYAGI, J. (ORAL)**

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.107 dated 14.06.2016 registered under Section 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station Basti Bawa Khel, District Police Commissionerate, District Jalandhar.

While issuing notice of motion on 20.02.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

*“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of*

*anticipatory bail in case FIR No.107 dated 14.06.2016 registered under Section 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station Basti Bawa Khel, District Police Commissionerate, District Jalandhar.*

*Learned Counsel for the petitioner has submitted that the petitioner has not been specifically named in the FIR and the petitioner, who is running his business in the name and style of M/s Anmol Collection, has been falsely implicated in the case in place of Anmol Garments on the allegations of alleged withholding of the payment due to the deceased-Rahul Aneja. There was no abetment on the part of the petitioner to the deceased to commit suicide. The deceased had committed suicide due to some family circumstances. The petitioner is ready to join the investigation and his custodial interrogation is not required.*

*Notice of motion.*

*On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel.*

*In the facts and circumstances of the case, presence of complainant is considered to be necessary for just and proper decision of the petition. On oral request of learned counsel for the petitioner, complainant is ordered to be impleaded as respondent No. 2. Memo of parties be amended accordingly.*

*Learned State Counsel seeks time to complete his instructions.*

*Adjourned to 01.05.2020.*

*Notice to newly added respondent No.2 be issued for that date on filing of process fee by the petitioner and notice be also given dasti, if so desired.*

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

*The petition has been opposed by the respondent-State.*

However, no reply has been filed by the respondent-State.

The complainant was also impleaded as respondent No.2

who has put in appearance through Mr. Shaurya Puri, Advocate and he

undertakes to file his power of attorney in the Registry.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2 and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made on 20.02.2020, submitted that the matter has been compromised between the petitioner and respondent No.2/complainant and in compliance with order dated 20.02.2020, the petitioner has joined the investigation.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Sukhdev Chand, acknowledged that in compliance with order dated 20.02.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

Learned Counsel for respondent No.2/complainant has admitted the factum of compromise and has no objection to grant of anticipatory bail to the petitioner.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, particularly the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering

with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 20.02.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

**27.01.2021**

Vinay

**(ARUN KUMAR TYAGI)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |