

CRM-M-12786-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12786-2021

Date of Decision:-14.09.2021.

Suresh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jatinder Nagpal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.44 dated 08.02.2021 under Section 306 IPC, registered at Police Station Kotwali, Patiala.

On 19.03.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel appearing on behalf of the petitioner would submit that the petitioner herein has been falsely implicated in the instant FIR. It is argued that the allegations as set out in the FIR are unsustainable and a reading of the suicide note would reflect that there was a matrimonial dispute between the deceased and his wife Kavita. The petitioner herein is the person with whom the wife of the deceased was residing.

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It is argued that the petitioner herein is 66 years old and the allegations as set out would not constitute an offence under Section 306 of IPC.

Notice of motion.

At this stage, Ms. Rashmi Attri, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Adjourned to 14.09.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has already joined the investigation.

Learned State counsel, on instructions from ASI Rajesh Kumar, has submitted that the petitioner has joined the investigation and he is no more required for further investigation.

This Court has heard the learned counsel for the parties.

Keeping in view above facts and circumstances also the fact that the petitioner has joined the investigation and is not required for further

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investigation, the present petition is allowed and the order dated 19.03.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 14, 2021.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No