

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-16944-2021

Date of Decision:26.10.2021

JAGJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Dinesh Nagar, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

While granting interim protection to the petitioner on
17.09.2021, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.13 dated 07.03.2021 under Section 306 of the Indian Penal Code, 1860, registered at Police Station Mukandpur, District SBS Nagar.

Counsel for the petitioner submits that the FIR has been registered by Amarjit Singh on the allegation that his brother, Yodh Singh, committed suicide as he had some financial dispute with Jagjit Singh, the present petitioner. Counsel submits that the allegation against the petitioner is that he had entered into an agreement with the deceased for construction of a residential house, but full payment of construction being carried out was not being made, as a result of which the deceased committed suicide on 07.03.2021.

It has been contended that though the deceased allegedly left behind a suicide note naming the petitioner, but its veracity is yet to be tested as it is still to be examined by a forensic expert. He submits that no covert or overt act has been attributed to the petitioner, so as to fall within the mischief of abetment as defined under Section 107, IPC. Still further, it is his submission that the dispute between the parties has been settled and the petitioner has made a payment of Rs.5 lacs by way of bank draft to the complainant.

Counsel representing the complainant has admitted the fact that the complainant has received Rs.5 lacs from the petitioner.

List on 26.10.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Counsel for the petitioner has clarified that an amount of Rs.5 lacs has been paid to the widow of the deceased, namely, Anita Rani, which fact has been admitted by Mr. Dinesh Nagar, Advocate, who is representing both the widow and the complainant. Upon instructions, Mr. Nagar does not have any objection, in case the interim bail is confirmed.

Upon instructions from SI Pavittar Singh, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 17.09.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

26.10.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No