

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12938-2020 (O&M)
Date of Decision:-24.8.2021

Cham Singh @ Sham Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yogesh Goel, Advocate with
Mr. Vishal Dhiman, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Darshan Lal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.53 dated 8.5.2020 at Police Station Machhiwara, Police District Khanna, District Ludhiana under Sections 306 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion on 27.5.2020, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.53 dated 8.5.2020 under Sections 306/34 IPC at Police Station Machhiwara, District Khanna.

The case of the prosecution is that the wife of the deceased was having illicit relations with the petitioner and that the deceased on account of said illicit relations committed suicide on 2.5.2020 by driving his motorcycle at a high speed in order to jump into a canal but his motorcycle hit a pothole, as a result of which he fell down and sustained injuries and ultimately succumbed to his injuries on 7.5.2020. It is further the case of prosecution that on the next day i.e. on 8.5.2020, the complainant came up with a suicide note allegedly recovered from the pocket of trouser of the deceased wherein he had written that he was committing suicide on account of illicit relations of his wife with the petitioner.

The learned counsel for the petitioner has submitted that it is a simple case of accidental death wherein the deceased lost his life, as he was driving his motorcycle wildly and in the said process hit a pothole and fell down. The learned counsel has further submitted that the story of recovery of suicide note does not appear to be probable as the same is alleged to have been recovered on 8.5.2020 i.e. 5 days after the accident. It has further been pointed out that the alleged suicide notice is not even signed by the deceased.

Notice of motion for 14.10.2020.

At this stage, Shri Gaurav Dhuriwala, Senior DAG, Punjab to whom an advance copy of the petition has been served, accepts notice on behalf of the State.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Darshan Lal, has informed that pursuant to interim directions issued by this Court, the

petitioner has since joined investigation and is not required for any custodial interrogation.

4. Mr. S.L. Chander Shekhar, Advocate has today put in appearance on behalf of the complainant and has submitted that the FIR came to be lodged under some misunderstanding and that the same has been resolved and that the complainant does not have any objection for grant of bail to the petitioner.
5. In view of the aforestated position, wherein the petitioner has already joined investigation and the matter has been compromised amongst the parties, the petition is accepted and the interim directions issued by this Court vide order dated 27.5.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

24.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No