

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-15953 of 2020

Date of Decision : 12.11.2021

Gurwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Ishma Randhawa, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 76 dated 22.05.2019 for the offences under Sections 364, 302, 201, 120-B, 34 IPC at Police Station Mehta, District Amritsar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 22.06.2020 passed by a Co-ordinate Bench of this Court. Order dated 22.06.2020 is as under:-

“On account of outbreak of Covid-19 pandemic, the matter is taken up through video conferencing.

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.76 dated 22.05.2019 for the offences under Sections 364, 302, 201, 120-B, 34 IPC at Police Station Mehta District Amritsar.

Learned counsel for the petitioner inter alia contends that the FIR in question has been registered on the basis of baseless allegations and that too after an inordinate delay of

four years from the date of alleged crime. It has further been contended that the FIR was registered on the basis of a mere suspicion that the petitioner was having an extra marital affair with his sister-in-law Rajbir Kaur wife of deceased Sarabjit Singh. This was alleged to be the motive for the commission of the murder of Sarabjit Singh. It has further been contended that the matter was thoroughly investigated and the petitioner was found to be innocent. Not only this, even as per the postmortem report, no conclusive finding was given qua the cause of death of the deceased, whose dead body was recovered from an open area in a highly decomposed state coupled with the fact that no poison was detected in the viscera of the deceased as per the chemical examiner's report. In fact a false case had been planted upon the petitioner by the complainant with an ulterior motive of depriving Rajbir Kaur wife of deceased Sarabjit Singh and her son from inheriting the family property. It has lastly been contended that the custodial interrogation of the petitioner is not required and he is ready to join the investigation and cooperate with the Investigating Officer.

Notice of motion for 28.09.2020.

On the asking of Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of respondent State.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

Learned State counsel on instructions from ASI Baldev Singh states that in terms of the order of a Co-ordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further

interrogation of the petitioner is required at this stage.

In view of the above, the order dated 22.06.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 12, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*