

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

CRM-M-26729-2021 (O&M)

Date of Decision:- 11.11.2021

Gorkha @ Gora

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karamjit Singh Maangat, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Harjinder Singh.

(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 against him vide FIR No. 99, dated 22.9.2020, Police Station Mattewal, District Amritsar, under Section 306, 34 IPC.
2. At the time of issuance of notice of motion the following order was passed on 22.7.2021:

“Learned counsel for the petitioner contends that the FIR in question was lodged at the instance of Jaswinder Kaur,

wherein it is alleged that her brother Satnam Singh was married to Simarjit Kaur and that her brother's wife Simarjit Kaur, however, used to quarrel with complainant's brother Satnam Singh and he used to be maltreated and that on 21.9.2020 a quarrel had taken place between complainant's brother Satnam Singh and his wife Simarjit Kaur and upon which Simarjit Kaur called her parents and brothers and that her brothers Gorkha @ Gora (petitioner), Raju and Shankar came there and had an altercation and a scuffle with complainant's brother and subsequently her brother committed suicide by consuming some poison substance.

Learned counsel for the petitioner submitted that infact the petitioner as on 21.9.2020 was away to Gujarat as he is a driver of a truck. Learned counsel, in order to hammer forth his aforesaid submission, refers to the gate pass (Annexure P-2) pertaining to the date 21.9.2020 issued at Adani Ports and Special Economic Zone Limited. Learned counsel submits that the said gate pass was issued at the port at Mundra (Gujarat) and that, in these circumstances, it cannot be believed that the petitioner would have participated in the commission of offence on the same day in District Amritsar (Punjab).

Notice of motion for 11.11.2021.

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. The learned State counsel, upon instructions from ASI Harjinder Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that his custodial interrogation is not required. It has further been informed that the petitioner is not wanted in any other case.
4. In view of the aforestated position wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 22.7.2021 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.

11.11.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No