

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23156-2020

Date of Decision: March 31, 2021

Suresh and another

.....Petitioners

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioners.

Mr. Anant Kataria, DAG., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.358 dated 31.07.2020 registered under Sections 346, 306, 34 IPC at Police Station Sadar Sonipat, District Sonipat.

On 18.08.2020, following order was passed by this Court:-

Petitioners-Suresh and Gurmeet, stated to be aged 55 years and 22 years, respectively, have filed the present petition inter alia praying for grant of anticipatory bail in case FIR No.358 dated 31.07.2020 under Sections 346, 306, 34 of IPC, registered at Police Station Sadar Sonipat, District Sonipat.

Learned counsel for the petitioners by making reference to the FIR, submits that on 31.07.2020, the FIR was lodged on complaint of Asha Devi d/o Naresh, to the effect that her father-Naresh had gone for a walk, but, did not return. Accordingly, the

case was registered under Section 346 IPC. On 03.08.2020 (as noticed in the order dated 11.08.2020 of the Additional District and Sessions Judge, Sonipat), information regarding Naresh, having committed suicide, was received. Learned counsel also makes reference to the affidavit dated 03.07.2020 (Annexure P-4) which was given by Naresh himself admitting the fault of his son committing theft.

Notice of motion.

On asking of the Court, Mr. Rajiv Goel, DAG, Haryana, accepts notice on behalf of State through video conferencing. Learned State counsel is not disputing the factual position, however, he opposes the bail on merit.

Counsel for the petitioners submits that the petitioners are ready to join the investigation. He submits that because of COVID situation also, retention of the petitioners behind the bars would be dangerous to their life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioners to join the investigation and appear before the Investigating Officer.

List on 13.10.2020.

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

(GIRISH AGNIHOTRI)
JUDGE

18.08.2020

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Learned counsel for the petitioners submitted that in compliance of the aforesaid order, the petitioners have joined the investigation.

Learned State counsel admitted the aforesaid fact. However, learned State counsel submits that FSL report is still awaited.

Learned counsel for the petitioners submits that the FSL report has nothing to do with the present case as initially the case was registered for the offence under Section 346 IPC. The FIR was lodged by Asha Devi d/o Naresh with the allegations that her father-Naresh had gone for a walk, but thereafter he did not return. On 3.8.2020, information regarding suicide of Naresh was received. There was an affidavit dated 3.7.2020 given by Naresh himself admitting the fault of his son in committing theft.

According to learned counsel for the petitioners, ingredients of offence under section 306 IPC are missing altogether. It is not in dispute that the petitioners have joined the investigation.

In view of aforesaid factual position, the interim order dated 18.8.2020 is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

March 31, 2021
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No