

CRM-M-32482-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32482-2021

Date of Decision:-13.09.2021.

Sandeep Singh @ Deepa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Karanbir Singh AAG, Punjab.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.92 dated 04.07.2021, registered under Section 306 IPC at Police Station Garhshankar, District Hoshiarpur.

On 12.08.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, contends that the petitioner's sister was married to the deceased Narinder Kumar. The said deceased Narinder Kumar is stated to be a drug addict and reference regarding the same has been made to the medical certificate dated 27.10.2020 (Annexure P-1), in which a reference has been made to “drug abuse” by the said Narinder Kumar. It is further argued by learned counsel for the petitioner that in fact on 04.07.2021, the father of the petitioner had submitted a

CRM-M-32482-2021

representation (Annexure P-2) to the Station House Officer, Police Station Nawanshahar, complaining that Narinder Kumar had jumped from the roof top and that it was the petitioner's family who saved him.

*Learned counsel for the petitioner refers to the post-mortem report to state that there was no other injury except the ligature mark which was occasioned on account of hanging. It is ultimately submitted that the petitioner cannot be held to be liable under Section 306 IPC, as there is no abetment to suicide made out in the present case. He has also relied upon a case titled **“Vishal and another Vs. State of Haryana”, 2021 (2) RCR (Criminal) 542** to contend that in such like cases, Section 306 IPC is not attracted.*

Notice of motion for 13.09.2021.

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

Learned counsel for the petitioner has submitted that in pursuance of the above said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Raj Kumar, has submitted that the petitioner has joined the investigation and is no more required for further investigation.

CRM-M-32482-2021

Keeping in view the above said facts and circumstances and moreso, the fact that the petitioner has joined the investigation and is no more required for further investigation, the interim order dated 12.08.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 13, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No