

CRM-M-35936-2021

Date of Decision: 25.10.2021

Basant Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Navinderjit Singh Dandiwal, Advocate,
for the petitioner.

Ms. Bhavna Gupta, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 02.09.2021, the following order had been passed by this
court:-

“Case heard via video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.83, dated 16.08.2021, having been registered at Police Station Hathur, District Ludhiana, alleging therein the commission of offences punishable under the provisions of Sections 306/34 of the IPC.

Learned counsel for the petitioner first points to the FIR, in which the father of the deceased (complainant) stated that his son had hanged himself but at that point he did not want to take legal action anybody.

Thereafter, a mobile phone having been recovered from the belongings of the deceased, an old

video was stated to have been found, stating to the effect that 5 persons, including the petitioner, were responsible for his death.

In the order passed by the learned Addl. Sessions Judge, Ludhiana, it has been recorded that the wife of the deceased Balwinder Kaur had taken Rs.2 lakhs and 3 tolas of gold jewellery and that when the deceased demanded that amount back from her, her family started threatening the deceased that they would involve him in a “dowry case” and would also get his passport impounded.

Learned counsel for the petitioner further submits that the petitioner is only the ex-Sarpanch of the village where the in-laws of the deceased reside and as to how he would be involved in instigating the deceased to commit suicide, is wholly not understood.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State.

A copy of the petition be supplied to him by counsel for the petitioner today itself.

Without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the

learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 25.10.2021.”

Today, learned counsel for the State, on instructions from SI Jarnail Singh, submits that pursuant to the aforesaid order, the petitioner has joined investigation and his custodial interrogation is not required.

That being so, in terms of the ratio of the judgment of the Supreme Court in MC Abraham vs. State of Maharashtra (2003) 2 SCC 649, the petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

October 25, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.