

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: February 23, 2021

Santokh Singh & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saransh Sabharwal, Advocate,
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. S.S.Swaich, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.177 dated 11.08.2020, under Sections 306 and 34 IPC 1860, registered at Police Station, City Kharar, District S.A.S. Nagar. The petitioners apprehended their arrest at the hands of police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 05.10.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Case taken up through Video Conferencing.

Learned counsel for the petitioners inter-alia contends that the victim – Inder Singh ended his life due to matrimonial

differences between him and his wife; though there was a suicide note left by the victim reading thereof does not bring the case of the prosecution qua the petitioner within the ambit of abetment to suicide and Kulwinder Singh against whom there were similar allegations has been granted ad interim anticipatory bail by this Court through an order dated 11.09.2020 passed in CRM-M-27438-2020 Kulwinder Singh vs. State of Punjab.

Notice of motion.

Mr.S.P.S. Tinna, Additional A.G. Punjab, accepts notice on behalf of the respondent-State. Mr.Surjeet Singh Swaich, Advocate puts in appearance on behalf of the complainant. For arguments, adjourned to 08.12.2020.

To be heard along with CRM-M-27438-2020.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.177, dated 11.08.2020, registered under Sections 306 and 34 IPC at Police Station City Kharar, District SAS Nagar, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Balwinder Singh, does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions, further states that the petitioners are not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim
bail granted by this Court vide order dated 05.10.2020 is made absolute.

February 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No