

Santosh Parshad and another

.....Petitioners

Vs.

State of Punjab and another

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanjeev Kodan, Advocate and
Mr. Naveen Bawa, Advocate,
for the petitioner.

Mr. M.S.Nagra,AAG, Punjab.

Mr. Vishnu Dutt, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 05.10.2021, the following order had been recorded by this court (co-ordinate bench):-

“Counsel for the petitioners submits that the FIR has been registered on the complaint of the widow of the deceased on the allegation that she had taken her husband for treatment to a hospital where he expired, but thereafter she discovered a suicide note in his wallet wherein the deceased had named the petitioners as the abettors. Counsel for the petitioners has argued that the suicide note is an after thought.

He has placed reliance on the affidavit, Annexure P-3, executed by the complainant wherein, she has deposed that she does not want to take any legal action against the petitioners. Reference has also been made to the status report filed by way an affidavit of Assistant Commissioner of Police (Central), Ludhiana on behalf of respondent-State to submit that the veracity of the alleged suicide note is yet to be ascertained and even the cause of death has not been determined. It is his argument that no overt or covert act has been attributed to the petitioners so as to attract the mischief of abetment under Section 107 of the Indian Penal Code, 1860 and offence under Section 306, IPC is not made out. Still further, he submits that a petition (CRM-M-35142-2021) has been filed by the petitioners seeking quashing of the FIR on the basis of the affidavit, which is pending before this Court, though notice is yet to be issued to the respondents.

Counsel representing the complainant- respondent No.2 submits that the complainant does not have any objection in case the petitioners are granted anticipatory bail.

List on 23.11.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Today, Learned State counsel submits, on instructions from ASI Janak Raj, that the petitioners having joined investigation, their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this 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, they would be given 10 days notice before arrest, duly shown to be served upon them.

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.

November 23, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO