

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

105

**CRM-M-37023-2021
Date of Decision: 08.09.2021**

Deepak Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gurvinder Singh Aulakh, Advocate for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.0132 dated 05.08.2021 registered under Sections 306 and 34 of the Indian Penal Code, 1860 at Police Station City Fazilka, District Fazilka.

Notice of motion.

On the asking of the Court, Mr. B.S. Sewak, Addl. Advocate General, Punjab accepts notice on behalf of the respondent/State. Let a copy of the paper-book be supplied to him during the course of the day.

Mr. Ashok Kumar Sama, Advocate has put in appearance through Video Conferencing on behalf of the complainant.

The petitioner has been named as one of the members of the deceased Lakhan Kumar's in-laws family who harassed the said deceased who subsequently committed suicide.

Learned Counsel for the petitioner has drawn attention of

the Court to the order passed in CRM-M-35036-2021 on 26.08.2021 vide which accused Kavita @ Kavita Rani was granted anticipatory bail by this Court in view of the submission from the Ld. State Counsel that her custodial interrogation was not required. Thereafter, accused Rinki @ Rinki Rani and Sogina were granted interim anticipatory bail by a Coordinate Bench of this Court in CRM-M-36225-2021 on 03.09.2021.

Learned Counsel for the petitioner submits that all the three accused persons so far granted anticipatory/interim anticipatory bail were named in the suicide note left behind by the deceased Lakhan Kumar. On the other hand, the present petitioner's name was not even mentioned by the deceased in the suicide note a copy of which has been sent on WhatsApp group by Ld. Counsel for the complainant.

In this view of the matter, this Court is of the opinion that the present petitioner is certainly entitled to the benefit of anticipatory bail as he stands on a much better footing than the other three co-accused persons whose names were mentioned in the suicide note.

In such circumstances, custodial interrogation of the petitioner would not appear to be called for. Therefore, the petition is allowed. The petitioner is directed to join the investigation and in the event of arrest of the petitioner by the Arresting/Investigating Officer, he shall be released on anticipatory bail subject to the following conditions:-

1. That he shall make himself available for interrogation by a Police Officer as and when required;
2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police

Officer and;

3. That he shall not leave India without prior permission of the Court.

08.09.2021

Vinay

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No