

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

201-2

CRM-M-33105-2020

Date of decision: 27.01.2021

Ankur Talwar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Manjit Kaur, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondent No.1-State.

Mr. Shaurya Puri, Advocate
for respondent No.2/complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.107 dated 14.06.2016 registered under Section 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station Basti Bawa Khel, Police Commissionerate, Jalandhar.

While issuing notice of motion on 16.10.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

“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.107 dated 14.06.2016 registered under Section 306 read with Section

34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Basti Bawa Khel, Police Commissionerate, Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The deceased was to repay the amount borrowed by him from the petitioner. The petitioner did not abet commission of suicide by the deceased in any manner. The allegations made in the FIR do not disclose commission of offence punishable under Section 306 of the IPC by the petitioner. Similarly placed co-accused Sukhwinderjit Singh has already been granted interim anticipatory bail by this Court vide order dated 20.02.2020. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. N.K. Banka, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State counsel seeks time to file reply.

Adjourned to 27.01.2021.

Notice to respondent No.2 be issued for that date and be also given dasti, if so desired.

To be heard with CRM-M-7487-2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him."

The petition has been opposed by the respondent-State.

However, no reply has been filed by the respondent-State.

Respondent No.2/complainant also put in appearance through Mr.Shaurya Puri, Advocate, who has filed his power of attorney which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2/complainant and have gone through the record.

Learned Counsel for the petitioner has, while reiterating

submissions made on 16.10.2020, submitted that the matter has been compromised between the petitioner and respondent No.2/complainant and in compliance with order dated 16.10.2020, the petitioner has joined the investigation.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Sukhdev Chand, acknowledged that in compliance with order dated 16.10.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

Learned Counsel for respondent No.2/complainant has admitted the factum of compromise and has no objection to grant of anticipatory bail to the petitioner.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, particularly the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order

dated 16.10.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

27.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No