

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203-I)

CRM-M-33490-2020

Date of decision: - 18.11.2021

Dhara Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Hoshiar Singh, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.79 dated 13.06.2020, registered under Sections 302, 506 and 34 IPC, at Police Station Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of order passed by a Co-ordinate Bench of this Court on 28.10.2020. Order dated 28.10.2020 is as under: -

“CRM-25962-2020

Application for placing on record medical prescription issued by the doctor to the deceased as Annexure P-6 and for exemption from filing certified and typed copy of the same, is allowed, subject to just exceptions. Annexure P-6 is taken on record. Office to tag the same at

the appropriate place.

CRM stands disposed of.

Main case

Counsel for the petitioner submits that as per the affidavit given by the complainant dated 06.07.2020 that the deceased is stated to have died due to a fall from the terrace and the petitioners have been wrongly involved. He also referred to the injuries on the person of the deceased as per the postmortem report to show that the same is in consonance with the affidavit given now and not as per the allegations in the FIR, whereby beatings were stated to have given to the deceased on 03.06.2020, who was the mother-in-law of Simar Kaur and who eventually died on 13.06.2020.

Counsel for the State has pointed out that the challan has been filed against Simar Kaur, but other accused has not joined the investigation and, therefore, the P.O. proceedings have been initiated against him. It is further submitted that the cause of death is to be given after the receipt of chemical and histopathological reports.

It is further pointed out that Simar Kaur has undergone 4 months 11 days of detention, as per the custody certificate dated 27.10.2020.

Accordingly, keeping in view the above the petitioner Dhara Singh in CRM-M-33490-2020 is enlarged on interim bail and directed to join investigation. In the event of arrest of the petitioner, he shall be released on ad-interim bail by the investigating officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438 (2) Cr.P.C.

Photocopy of this order be placed on the file of another connected case.”

Learned State counsel, on instructions from ASI Harwant Singh, states that in terms of the order of a Co-ordinate Bench of this Court reproduced before, the petitioner has joined the investigation and is not required for further interrogation, at this stage.

In view of the above, the order dated 28.10.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The present petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 18, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No