

CRM-M-37434-2020 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-37434-2020 (O&M).
Decided on: January 14, 2021.**

Kaludin Gujar and others

.. Petitioners

VERSUS

State of Punjab

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT None for the petitioners.

Mr.Luvinder Sofat, AAG, Punjab.

**Mr.B.B.S.Randhawa, Advocate, and
Mr.Bhupinder Singh, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.93 dated 05.08.2020, under Section 306 IPC, registered at Police Station Qadian, District Batala.

It is a case of the petitioners that *ex facie* no offence under Section 306 IPC is made out even from the perusal of the FIR because there was no element of abement or incitement. No one appeared on behalf

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of the petitioners today as matter is taken up by video conferencing. However, the submissions made by learned counsel for the petitioners on last date of hearing are being perused. Mere allegation that there was a dispute between the spouses would not attract the ingredients of Section 306 read with Section 107 IPC. That son of the complainant had died after 15 years of marriage and the petitioners have been falsely implicated in the present case inspite of the fact that there was no allegation against them with regard to element of abetment or incitement.

On 12.11.2020 notice was issued and interim protection was granted to the petitioners with direction to appear before the investigating officer on 18.11.2020 and join the investigation and fully cooperate with them.

Today learned State counsel, on instructions from SI Avtar Singh, has stated that the petitioners have joined investigation and have fully cooperated with the investigation process. He has further submitted that the petitioners are not required for custodial investigation.

In view of the above stand taken by the learned State counsel, the present petition is allowed. Interim order dated 12.11.2020, is hereby made absolute.

January 14, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No