

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(235)

CRM No. M-40202 of 2020
Date of Decision : 17.08.2021

Jaswinder Pal Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate and
Mr. Kamal Kumar, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Aayush Gupta, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 160, dated 11.08.2019, registered under Section 306 read with Section 34 IPC, at Police Station Dehlon, District Ludhiana.

The petitioner was granted the benefit of interim bail by a Co-ordinate Bench of this Court on 03.12.2020, which order is as under:-

“Submits inter alia that the petitioner was admittedly in America when the deceased killed himself, and so there is no question of his having instigated the latter to resort to such step of ending his life.

Further draws attention of the Court to the Suicide Note allegedly left behind by the deceased, on 10.08.2019, in which,

it has been mentioned that the petitioner was persistently harassing the deceased and had been pressurizing him to give him his share although the deceased had been made to spend all his money on the petitioner's children on the representation that the property would go to the deceased. According to the Ld. Counsel, the deceased had himself mentioned about his being subjected to pressure for settlement of the family property, and in this manner he had been harassed through out his life, but that these statements per se do not go to disclose any positive instigation on the part of the petitioner to lead the deceased to end his life.

Notice of motion.

Mr. B.S. Sewak, Additional Advocate General, Punjab to accept notice on behalf of respondent No.1.

At this stage, Mr. K.S. Nalwa, Advocate has put in appearance on behalf of the complainant through Video Conferencing.

Let requisite number of copies of the Paper-book be supplied to both the Counsel.

List on 22.03.2021.

Meanwhile, in the event of arrest of the petitioner by the Arresting/Investigating Officer, he shall be released on interim 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.”*

Learned State counsel, who has joined the proceedings through video conference, on instructions from ASI Subhash Chand states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is cooperating with the Police and has also surrendered his passport and is not required any further for investigation as of now.

Learned counsel for the complainant, who has also joined the proceedings through video conference, submits that the complainant has certain documents, which needs to be placed on record to prove the guilt of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner was granted interim bail by a Co-ordinate Bench and he has joined the investigation and is co-operating, unless and until extraordinary situation arises, the interim bail is not to be recalled. With regard to the objection of the learned counsel for complainant that the complainant wants to place on record certain call details to prove the guilt of the petitioner, the same is to be done during the trial. At this stage the question before this Court is whether the purpose of investigation will be achieved through custodial interrogation or by directing the petitioner to join the investigation and co-operate in the same.

In the present case, petitioner has already joined the investigation and is cooperating as per the order passed by the Co-ordinate Bench hence, order dated 03.12.2020, 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 petition stands disposed of.

At this stage, learned counsel for the respondents submits that the parties are related to each other and their dispute can also be settled in case, parties are directed to appear before Mediation and Conciliation Centre of this Court for amicable settlement.

Though, learned senior counsel appearing on behalf of the petitioner submits that there might not be any chance for compromise keeping in view the allegations alleged in the FIR, still this Court feels that a chance be given to the parties to sit together and decide their future.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.10.2021 and for submission of the report of Mediation and Conciliation Centre of this Court, IOIN be listed within a period of one week after receiving the report.

August 17, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No