

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

**CRM-M No. 41173 of 2020
Date of decision: 02.11.2021**

Pawan Mittal

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Himmat Singh Deol, Advocate, for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 182 dated 07.11.2020, under Section 306 of the Indian Penal Code, 1860, registered at Police Station City South, Moga, District Moga.

A Coordinate Bench of this Court passed the following order on 09.12.2020:-

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

The petitioner has filed the present 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.182 dated 07.11.2020 registered under Section 306 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station City South Moga, District Moga.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case for allegedly abetting commission of suicide by Sunil Goyal. As per the allegations made in the FIR, the petitioner used to threaten the customer who came to purchase his residential house due to which Sunil Goyal failed to pay back his debt and came under depression. The petitioner has no concern with the allegations made against Deepak Bedi, Aman Tyal and Vinod Gulati. The allegations made do not satisfy the essential ingredients of the offence punishable under Section 306 of the IPC. The petitioner is ready to join the investigation and his custodial interrogation is not necessary in the case.

Notice of motion.

Pursuant to supply of advance copy of the petition Mr. Sukhbeer Singh, Asstt. A.G. Punjab has appeared and accepted notice on behalf of the respondent-State.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Learned State Counsel seeks time to file reply.

Adjourned to 10.02.2021.

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

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do. 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.”

Learned State counsel, upon instructions from ASI Gurcharan Singh, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 09.12.2020 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.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

02.11.2021
Ramesh

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