

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.42068 of 2020
Date of Decision: March 24, 2021

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Faridad Singh Virk, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.136 dated 30.08.2018, under Section 302 IPC 1860, registered at Police Station, Passiana, District Patiala. The petitioner apprehended his arrest at the hands of police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 15.12.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that in the FIR, allegations were made against Kuldeep Kaur, who had administered poison to her husband Kulwinder Singh @ Babbu. He has submitted that after completion of investigation,

the final report was filed against Kuldeep Kaur alone, but during the trial, an application was moved by prosecution under Section 319 Cr.P.C. to summon the brother of Kuldeep Kaur as co-accused, on the basis of telephonic conversation between the two, as she asked her brother (petitioner) to bring the tablets. Learned counsel has pointed out that the trial Court ordered further investigation, whereupon the petitioner associated with the investigation and gave the voice sample also. According to him, as per alleged telephonic conversation, the petitioner was asked to bring the tablets for protecting the wheat grains, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary at this stage.

Notice of motion for 24.03.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Baljit Ram, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim

bail granted by this Court vide order dated 15.12.2020 is made absolute.

March 24, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No