

207 (3)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43580-2020

Date of decision-29.06.2021

BACHHITER SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Chauhan, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Anil Kumar Garg, Advocate for the complainant.

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.114 dated 06.11.2020 under Sections 306 & 34 Indian Penal Code, 1860 registered at Police Station Sadar Morinda, District Roop Nagar. 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 23.12.2020, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Case taken up through video conferencing.
Learned counsel for the petitioner inter alia contends that ten years ago the deceased got married to Dhanwant Kaur; out of their wedlock a son was born; on two occasions during the marriage*

ceremonies of Dhanwant Kaur's brother the deceased, under the influence of liquor, shouted and misbehaved on which he was told to behave himself by Dhanwant Kaur's family; the deceased then beat up his wife on the basis of which a complaint was filed by her with the police; the deceased then ended his life for which the petitioner, who is the brother of Dhanwant Kaur, cannot be blamed; even if the entire case of the prosecution is accepted, though vehemently denied, no act on the part of the petitioner comes under the definition of abetment within the meaning of Section 107 of the IPC and co-accused Jagir Singh, who is father of Dhanwant Kaur, has been granted ad interim anticipatory bail by this Court.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 31.03.2021.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C., in the event of his arrest in FIR No.114 dated 06.11.2020 registered under Sections 306 and 34 IPC at Police Station Sadar Morinda, District Roop Nagar, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

To be heard along with CRM-M-42205 of 2020.”

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 Malook Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.12.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.06.2021

Vipin kumar

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