

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(213-2)

CRM-M-213-2022
Date of decision: 05.04.2022

Harmail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Behl, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Senior Deputy Advocate General,
Punjab.

...

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court
passed the following order on 27.01.2022:-

“Heard through video conferencing.

*Petitions have been filed under Section 438 of Code
of Criminal Procedure, 1973, seeking grant of anticipatory
bail in case FIR No.237 dated 03.12.2021, registered under
Sections 306 and 34 of IPC, 1860, at Police Station Sirhind,
District Fatehgarh Sahib, Punjab.*

*Separate status reports by way of an affidavit of
Deputy Superintendent of Police, Fatehgarh Sahib, District
Fatehgarh Sahib, have been filed in all the cases on behalf of
the respondent-State, which are taken on record.*

Counsel for the petitioners contends that though Sarabjit Kaur (deceased) was living with Harjot Singh (petitioner in CRM-M-274-2022), who is 21 years of age, but they were not married, though he has been described as husband of the deceased in the FIR. Counsel submits that the deceased, who was a 37 years old lady, was in litigation with her husband-Ashok Kumar and had filed a petition under Section 13 of the Hindu Marriage Act, 1955, seeking divorce as well as a suit for permanent injunction restraining her husband from harassing her and from interfering in her peaceful life. Counsel contends that the deceased did not leave behind any suicide note nor is there any incriminating material with the State to come to the conclusion that the petitioners were harassing or ill-treating her. A further argument has been raised that accused-petitioners, Harmail Singh and Baljit Kaur, who are the father and sister of Harjot Singh were separate in residence. He submits that there is a delay of 02 days in lodging of the FIR and the petitioners are ready to join the investigation and co-operate with the Investigating Agency.

List on 05.04.2022.

Meanwhile, the petitioners shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioners

shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the files of other connected cases.”

Upon instructions from SI, Harpreet Kaur, State Counsel submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 27.01.2022 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

05.04.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No