

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7941-2022
Date of Decision: 02.08.2022

RAJESH KUMAR ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

* * *

VIVEK PURI, J. (ORAL)

On 24.02.2022, following order was passed:

“Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail in case FIR No.109 dated 21.05.2021 under Section 306 IPC registered at Police Station Passiana District Patiala.

Learned counsel for the petitioner *inter alia* contends that totally vague and general allegations of harassment have been levelled against the petitioner, which is evident from a perusal of the FIR in question (Annexure P-1). He submits that the factum of the petitioner being innocent and not having any role to play in the suicide of his wife is evident from the fact that in the suicide note, left behind by the deceased, she had stated that she was ending her life of her own accord and nobody would say anything to her husband and in-laws. In support, learned counsel has invited the attention of this Court to the suicide note (Annexure P-3). He further submits that had there been any grain of truth qua the deceased being subjected to the alleged harassment at least some complaint would have been made or some panchayat convened in the said regard prior to the occurrence in question or the suicide note left behind by the deceased would have in some manner hinted towards the same, which however, admittedly was not the case. He, thus, submits that the essential ingredients to attract the mischief of Section 306/107 IPC are clearly amiss in the case in hand. It has also been submitted that the petitioner, who is serving as an army personnel, is ready to join the investigation and cooperate with the

investigating agency.

Notice of motion for 20.07.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel has not assailed the aforesaid factual aspect of the case and further submitted that the custodial interrogation of the petitioner is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 24.02.2022 is made absolute.

The petition stands allowed.

02.08.2022

Janki

(VIVEK PURI)
JUDGE

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