

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-9355-2022
Decided on : 05.05.2022

Balkar Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gaurav Datta, Advocate and
Ms. Yashika Bhatia, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Sunil Malhan, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438
Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.
186 dated 25.08.2021 under Section 306 of the Indian Penal Code, 1860
registered at Police Station City Rajpura, District Patiala.

On 07.03.2022, a Coordinate Bench of this Court was
pleased to pass the following order:

*“Present petition has been filed under Section 438
Cr.P.C for the grant of anticipatory bail to the petitioner
in respect of FIR No. 186 dated 25.08.2021, registered
under Section 306 IPC at Police Station City Rajpura,
District Patiala.*

*Learned counsel for the petitioner argues that as
per the allegations alleged in the FIR, the allegations
are against co-accused, namely, Sarabjit Kaur and her*

mother and the petitioner is being treated as the maternal uncle/Mama of co-accused, Sarabjit Kaur so as to implicate the petitioner with regard to the allegations alleged in the FIR but, it is a matter of fact that petitioner is not uncle of the co-accused Sarabjit Kaur. Learned counsel for the petitioner submits that even otherwise, a bare perusal of the allegations alleged in the FIR would show that on the date of occurrence of incident, the allegations are against co-accused, Sarabjit Kaur and the petitioner does not figure in those allegations and, therefore, once, on the date of the incident, when an unfortunate life has been lost, there are no allegations that petitioner by his conduct or otherwise abetted the suicide coupled the petitioner with the fact that nothing is to be recovered from the petitioner as of now and he may kindly be extended the concession of anticipatory bail as he is ready to join the investigation and co-operate.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Mr. Sunil Malhan, Advocate, who has also joined the proceedings through video conference, appears on behalf of the Arbitrator/complainant

Learned State counsel concedes the factum that nothing is to be recovered from the petitioner as of now and even the mobile phone, using which phone, a video clip was allegedly sent by the deceased to the complainant, is still with the FSL to know the veracity of the same but, for eliciting the truth behind the allegations that the petitioner was working along with

the other co-accused so as to blackmail the deceased, which led the deceased to commit suicide, the custodial interrogation of the petitioner is necessary.

Learned counsel appearing on behalf of the complainant submits that all the co-accused in connivance with each other were troubling the deceased by blackmailing him, which led the said deceased to commit suicide. Though, learned counsel conceded that on the date of the suicide, keeping in view the allegations alleged in the FIR, the same are primarily against the co-accused, Sarabjit Kaur.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances recorded here-inbefore that on the date, when the deceased committed suicide, the petitioner was not in the company of the said deceased and there are no allegations against him abating the commission of the suicide and the allegations are yet to be proved during the investigation, petitioner has made out a case for the grant of anticipatory bail as he has undertaken before this Court to join the investigation and co-operate the same, especially when nothing is nothing is to be recovered from.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.*
- ii) That he shall not, directly or indirectly, make any*

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

iii) That he shall not leave India without prior permission of the Court.

iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 05.05.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.

*Sd/-
March 07, 2022 (HARSIMRAN SINGH SETHI)
JUDGE”*

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Jaswinder Singh, has submitted that the petitioner has joined the investigation and has submitted that he is not required for any further custodial interrogation.

Learned counsel for the complainant has opposed the present petition for anticipatory bail and has submitted that the recovery is to be effected from the petitioner.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated

07.03.2022 and also the fact that the question as to whether in the present case, Section 306 IPC would be made out against the present or not, would be a matter which would be finally adjudicated during the course of trial and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 07.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

05.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No