

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14732-2022

Date of decision : 18.05.2022

Harjinder Singh @ Bobby

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sumeetpal Singh Sidhu, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.45 daed 04.03.2022 registered under Sections 306, 34 IPC at Police Station City Patti, District Tarn Taran.

On 07.04.2022, this Court was pleased to pass the following order:-

“Learned Senior Counsel for the petitioner inter alia contends that Bhupinder Sharma had lodged an FIR No.53 dated 24.04.2021 against Amandeep Singh (deceased) and other accused under Sections 21, 22 of the NDPS Act in Police Station City Patti. It is further submitted that the petitioner was not the complainant in the said case and he had nothing to do between the parties. It is argued that the deceased was drug addict and there were two FIRs under the NDPS Act registered against him and the deceased was also declared as proclaimed offender as is apparent from order dated 30.03.2017 (Annexure P-6). It is further argued that even original suicide note has not been produced before the Court till today and the petitioner has been involved only on account of the fact that he is a local elected Municipal Councilor and the

complainant apprehends that the petitioner might help the other co-accused. It is contended that a perusal of the FIR would show that the ingredients of abetment are missing and offence under Section 306 of IPC moreso against the petitioner does not prima facie stands established. It is also contended that although the date of alleged suicide is 30.06.2021 whereas the FIR has been registered on 04.03.2022. It is further submitted that the matter has been compromised between the parties and the factum of compromise is apparent from the order dated 04.04.2022 passed by the Additional Sessions Judge, Tarn Taran in case of co-accused Arvina Sharma and Prabha Rani. The said order as well as the compromise have been produced on record and the same are taken on record.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 18.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

07.04.2022 **(VIKAS BAHL)**
JUDGE"

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 07.04.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the

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 petition.

(VIKAS BAHL)
JUDGE

May 18, 2022
Davinder Kumar

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