

CRM-M-18104-2022
Date of decision : 23.05.2022

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.0079 dated 31.03.2022 under Section 306 Indian Penal Code, 1860 registered at Police Station Division No.6, District Police Commissionerate Ludhiana, who apprehend their arrest at the hands of Police.

*“This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioners-**Paramjit Singh** and **Harpreet Singh** in case FIR No.79 dated 31.03.2022 under Section 306 IPC, registered at Police Station Division No.6, District Police Commissionerate, Ludhiana.*

Learned senior counsel for the petitioners inter alia contends that allegedly on 30.03.2022 in the evening hours, a trivial scuffle had taken place in front of house of Jaswinder Singh (since deceased) qua parking of vehicle (motorcycle) by the petitioners, wherein bad names were uttered to said Jaswinder Singh by the petitioners, which led to the commission of suicide by Jaswinder Singh, whereas above said allegations levelled against the petitioners are altogether false and frivolous and there is no iota of truth therein. He further urges that allegedly there was

monetary dispute between the petitioners and Jaswinder Singh (since deceased), which has been given colour of criminal offence. He further urges that allegations as set up in the alleged suicide note dated 30.03.2022 (Annexure P/2) is afterthought version at the instance of complainant just to raise the gravity of offence. He further urges that even otherwise allegations levelled against the petitioners do not tantamount to cause instigation to Jaswinder Singh (since deceased) to take extreme step to end his life and as such petitioners did not instigate or abet the commission of suicide by Jaswinder Singh. He further submits that co-accused Gurmeet Singh, against whom similar allegations have been levelled in the alleged suicide note dated 30.03.2022 (Annexure P/2), has already been extended concession of interim pre-arrest bail by the Co-ordinate Bench of this Court, vide order dated 27.04.2022 passed in CRM-M-17288-2022 (Annexure P/4), and as such petitioners are also entitled to get said concession on parity. He further submits that though petitioners have no nexus whatsoever with the alleged offence, they are ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to file status report.

At this juncture, Mr. Nikhil Kumar Vashisht, Advocate, Mr. Suvir Sidhu, Advocate and Mr. Harlove Singh Rajput, Advocate have put in appearance on behalf of complainant and filed their separate Power of Attorneys.

Complete copies of paper book be supplied to learned State counsel as well as learned counsel for the complainant them during course of the day.

Learned State counsel as well as learned counsel for the complainant while opposing the cause of petitioners vehemently submit that as petitioners had actively participated in the commission of offence and as such their specific attributed role finds mention in the suicide note dated 30.03.2022 and, thus, they do not deserve the concession of pre-arrest bail.

Adjourned to 23.05.2022.

Meanwhile, in the eventuality of arrest of petitioners in the instant case FIR, they shall be enlarged on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioners shall join investigation on 04.05.2022 at 10:00 AM sharp before Investigating Officer in Police Station

Division No.6, District Police Commissionerate Ludhiana, and on any other

subsequent date as informed to them by the Investigating Officer. Petitioners

shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.

Status report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for petitioners.

List along with CRM-M-17288-2022."

Learned senior counsel for the petitioners has stated that in compliance of the above order, the petitioners associated themselves in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Sukhwinder Singh states that indeed the petitioners have joined the investigation and are 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 02.05.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

23.05.2022
vanita

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