

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-22714-2021

Date of Decision : January 05, 2022

Amrinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Ashdeep Singh, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.17 dated 19.01.2021 registered under Sections 314 and 304-A of the IPC at Police Station Civil Lines Batala, District Batala.

In pursuance to the order dated 18.06.2021, the petitioner has joined investigation. Order dated 18.06.2021 is as under:-

“The 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.17 dated 19.01.2021 under Sections 314 and

304-A of IPC registered at Police Station Civil Lines Batala, District Batala.

Learned counsel for the petitioner argues that only allegation against the petitioner is that he had relations with the deceased and had taken the deceased for abortion to the hospital. Learned counsel for the petitioner further submits that as per the petitioner, being a neighbourer, he had taken the deceased to the hospital and the negligence is of the hospital due to which the deceased has died and the allegations that petitioner took deceased to the hospital for abortion is yet to be proved and is only an allegation as of now hence, the ingredients of Section 314 IPC are yet to be proved. Learned counsel for the petitioner further submits that petitioner is ready to join the investigation and cooperate, therefore, he be granted the benefit of anticipatory bail.

Notice of motion for 29.09.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that once the petitioner has already admitted that he has taken the deceased to the hospital, the ingredients of Section 314 IPC are complete. Learned State counsel concedes that whether the fetus was a result of the illicit relations between the petitioner and the deceased namely, Neeraj, is yet to be proved.

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

Keeping in view the fact that it is yet to be proved that the fetus was the outcome of the relations between the petitioner and deceased and petitioner had taken the deceased to the hospital for abortion under coercion is a matter of evidence, which is yet to come on record and the petitioner has already undertaken before this Court that he will join the

investigation and cooperate, no custodial interrogation of the petitioner is necessary especially when nothing is to be recovered from him as of now.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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. ”

Learned State counsel, on instructions from ASI Kulwant Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 18.06.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 05, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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