

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

217-3

CRM-M-22708-2022

Date of Decision:18.07.2022

TILAK RAJ

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Dhruv Dayal, Senior DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

On 24.05.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.34 dated 14.02.2022, registered for offences under Sections 306 and 509 of the Indian Penal Code, 1860, at Police Station Model Town, District Hoshiarpur (Annexure P-1).

*Counsel for the petitioner contends that a suicide note (Annexure P-2) has been introduced by the complainant one month after registration of the FIR and its legality and veracity is yet to be determined. By placing reliance upon the judgments of the Hon'ble Supreme passed in **Gurcharan Singh Versus The State of Punjab, decided on 01.10.2020, M.Mohan Versus State Tr. Deputy Superintendent of Police, 2011 (2) R.C.R. (Criminal) 272, Gurcharan Singh Versus State of Punjab, 2017 (1) R.C.R. (Criminal) 118 and Chitresh Kumar Chopra Versus State (Government of NCT of Delhi), 2009 (4) R.C.R. (Criminal) 196**, he contend(s) that essential ingredients of Section 107, IPC are not satisfied and offence under Section 306, IPC is not made out. He has placed reliance on interim orders, Annexures P-5 and P-6, whereby co-accused have been granted interim bail.*

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Upon instructions from ASI Swaran Singh, he submits that the State is not in a position to verify the authenticity of the suicide note (Annexure P-2) as admitted signature of the deceased has not been supplied by the complainant.

List on 18.07.2022.

To be heard with CRM-M-9124-2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Upon instructions from ASI Kulwinder Singh, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation, though final report is yet to be presented. It has been submitted that interim order passed in CRM-M-9124-2022, has been made absolute by this Court by an order passed on even date.

In view of the above, the present petition is allowed and the order dated 24.05.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

18.07.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No