

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207(2)

CRM-M-35750-2021

Date of decision : 23.02.2022

Ashok Narula

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Seema Arora, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.67 dated 01.08.2021 registered under Section 306 IPC at Police Station City-II, Abohar, District Fazilka.

The present case, after issuance of notice of motion, was ordered to be heard alongwith the petition filed by a similarly placed co-accused being CRM-M-33521-2021-*Ravinder Kumar Setia vs State of Punjab* in which case, on 18.08.2021, this Court had passed the following order: -

“Learned senior counsel appearing for the petitioner inter-alia contends that the petitioner who is 73 year old senior citizen has been falsely implicated in this case at the behest of deceased's wife only to cover the sins of her late husband; the petitioner is an advocate having over 50 years of experience at the bar; even if the case of the prosecution is accepted, though vehemently denied, the allegations against the petitioner are that, he, in the capacity of President, Bar Association, Abohar, was asking the deceased to account for the amounts received by him as a Clerk of the Association, which action on the part of the petitioner would and could not constitute abetment under Section 107 IPC; even if the allegations against the petitioner are accepted, though vehemently denied, all that the petitioner was doing was his duty as the custodian of the funds of the Bar Association of which he was the President; the deceased apparently committed suicide as he had no valid and legal explanation to offer to the queries put forth to him on behalf of the Bar Association; no suicide note was written by the deceased before he ended his life; the petitioner does not have any criminal antecedents; no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is also made out as in the initial complaint made to the police by the

complainant as also by the deceased's brother – Lakhwinder Singh there were no allegations with regard to any abuse on the basis of caste; only as an afterthought such complaint was made on 03.08.2021 and that too qua the deceased's wife and his family members; on 05.08.2021 the story was further padded by the deceased's brother to include therein allegation of abuse of the deceased in the name of his caste by the petitioner showing falsity with regard to such allegations and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent-State and prays for time to argue the matter.

Adjourned to 10.11.2021.

Till the adjourned date the petitioner's arrest is stayed.

Before the adjourned date the State shall file a concise status report, which in particular, shall respond to the afore submissions made on behalf of the petitioner.”

Learned State counsel submits that after investigation of the case the State has filed an application before the competent Court seeking cancellation of the FIR in question.

In the light of the reasons recorded by this Court in the afore quoted order as also because the State, after investigation, has sought the cancellation of the FIR in question, this Court is of the opinion that the petitioner's custodial interrogation is not necessary and therefore, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.67 dated 01.08.2021 registered under Section 306 IPC at Police Station City-II, Abohar, District Fazilka, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

23.02.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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