

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33261-2022
Date of decision : 02.09.2022

Sarabjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Avtar Singh Bhatti, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr. DAG, 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.0067 dated 01.07.2022 registered under Sections 306, 34 IPC at Police Station Haryana, District Hoshiarpur.

On 01.08.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 67 dated 1.7.2022, under Sections 306 and 34 IPC, registered at Police Station Haryana, District Hoshiarpur.

As per the allegations in the FIR, deceased-Davinder Singh gave beatings to his wife. When she informed the incident to her parents, petitioner-Sarabjit Singh, brother-in-law of the deceased, along with mother and two unidentified persons gave beatings to the deceased. Feeling hurt by the act of the in-laws, the deceased

consumed poisonous substance.

Learned counsel for the petitioner submits that no suicide note is left. He further submits that it is a case of false implication, no incident of beating the deceased took place, no recovery is to be made and the petitioner was residing separately.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of pre-arrest bail.

Without commenting on the merits of the case, having conspectus of the facts, as also that no suicide note was left, it is a debatable point that as per allegations whether Section 306 IPC is made out or not, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 2.9.2022.

(AVNEESH JHINGAN)
JUDGE”

1st August, 2022

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

Learned State counsel, on instructions of ASI Satish Kumar, 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 01.08.2022, 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

September 02, 2022
Davinder Kumar

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