

207-A

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

CRM-M-38476-2022

Date of decision : 29.09.2022

Harvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohan Singh Rana, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.92 dated 30.09.2021 registered under Sections 306 and 506 of the Indian Penal Code, 1860 at Police Station Sadar Abohar, District Fazilka, Punjab.

On 29.08.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case there is no suicide note and the allegations, even if are taken on face value, would not constitute the offence under Section 306 IPC. It is contended that the matter has been compromised and as per the compromise deed dated 25.11.2021 (Annexure P-3), the complainant-Jasvinder Singh and his wife Kulwinder Kaur have specifically stated that the FIR has been registered on

*account of some confusion and misunderstanding. It is further contended that two of the co-accused i.e. Rajpal Kaur and Gurpyar Singh have been granted anticipatory bail vide order dated 01.08.2022 passed in CRM-M6606-2022. In support of his arguments, he has relied upon the judgment passed by the Hon'ble Supreme Court in **Gangula Mohan Reddy Vs. State of Andhra Pradesh** reported as **(2010) 1 SCC 750** and judgment passed by a Coordinate Bench of this Court in **State of Punjab Vs. Kamaljit Kaur @ Bholi and another** reported as **2008(2) RCR (Criminal) 562**. It is also submitted that co-accused of the petitioner namely Veerpall Kaur has also filed a petition for anticipatory bail and in the said case, she has been granted interim protection by this Court.*

Notice of motion for 29.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-36335-2022.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 29.08.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Jaswinder Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso,

the facts which have been noticed in abovesaid order dated 29.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.08.2022 is ordered to be made absolute.

However, 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 application.

29.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No