

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

**CRM-M No.41737 of 2022 (O&M)
Date of decision : 19.12.2022**

Rajandeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. R.K.Kachura, Advocate for
Mr. Ajeet Pal Singh Pakka, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

The petitioner has prayed for grant of pre-arrest bail in FIR
No.41 dated 05.06.2022 registered under Sections 306/506/34 IPC, at
Police Station Kotfatta, District Bathinda.

On 13.09.2022 while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.41 dated 5.6.2022 for offences
punishable under Sections 306,506 and 34 IPC, 1860 registered at Police
Station Kotfatta District Bathinda, the petitioner has preferred this
petition under Section 438 Cr.P.C seeking pre-arrest bail.*

*Learned counsel for the petitioner inter alia contends that the
genesis of the present case relates to an alleged love affair between the
brother of the petitioner and sister of the deceased. Brother of the
petitioner namely Samandeep Singh is already facing FIR No.25 dated
12.4.2022 registered for the offences punishable under Section 363/364A*

IPC. Sister of the deceased died on 8.4.2022 by committing suicide. As an aftermath thereof i.e. FIR and committing of suicide by the daughter of the complainant, the present FIR has come into existence. It has been contended that even if the suicide note in the present case is taken to be a gospel truth no offence punishable under Section 306 IPC will be made out against the petitioner. The whole of the attribution is by the brother of the petitioner i.e. Samandeep Singh who was in relationship with the daughter of the complainant.

Notice of motion.

On the asking of the Court Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab who is present in Court accepts notice.

Mr. Ajeet Pal Singh Pakka, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama. The same is taken on record. He submits that infact it is a case where whole of the family was pressurizing the complainant and his family to compromise the FIR registered for offences punishable under Sections 363/364A IPC against Samandeep Singh. He prays for time to file reply.

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

To come up on 19.12.2022.”

Today, learned State counsel, on instructions from ASI Darshan Singh, has stated that pursuant to the order dated 13.09.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

Learned counsel for the petitioner submits that even if the allegations levelled in the FIR and the contents of suicide note are taken on their face value, it will be highly debatable as to whether Section 306 IPC is made out or not?

In view of above, the interim order dated 13.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

This petition stands disposed off.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

19.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No