

203-D

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

CRM-M-45690-2021

Date of decision : 14.03.2022

Abhishek Kaul @ Abhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Akhilesh Vyas, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.92 dated 29.07.2021 registered under Sections 306 and 34 of the Indian Penal Code, 1860 at Police Station Bhargo Camp, District Jalandhar.

On 01.11.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.092 dated 29.07.2021 under Sections 306 and 34 of the Indian Penal Code, 1860, registered at Police Station Bhargo Camp, District Jalandhar.

Counsel for the petitioner submits that the petitioner is a friend of Sukhwinder Singh @ Sukha, brother-in-law of the deceased, who has been granted interim protection by this Court vide order dated 28.09.2021 passed in CRM-M-40407-2021. He submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of respondent-State. He is assisted by Mr. Akhilesh Vyas, Advocate, counsel for the complainant, who has opposed the petition and has submitted that besides the co-accused, even the name of the petitioner finds mentioned in the suicide note.

List on 14.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and 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.

To be heard with CRM-M-33024-2021.

Sd/- (SUVIR SEHGAL)

JUDGE

01.11.2021”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 01.11.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from SI Sandeep Kaur, has submitted that the petitioner has joined the investigation on 08.01.2022 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 01.11.2021 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 01.11.2021 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.

14.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No