

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-42643-2022

Decided on : 15.12.2022

Balshinder Singh @ Tikka

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. G. S. Madaan, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Abhishek Singla, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 163 dated
30.08.2022 under Section 306 IPC registered at Police Station Sadar,
District Sri Muktsar Sahib.

On 15.11.2022, this Court was pleased to pass the following
order:

*“Inter alia contends that the petitioner is a 78 year old person
and has been falsely implicated in the present case. It is submitted
that there is no written suicide note and the petitioner was only
availing his legal remedy in order to get back the loan amount which
was let out to the deceased and for the said purpose, he had filed a
civil suit on 20.07.2015 for recovery of money which was decreed on
28.02.2017 by the Additional Civil Judge (Sr. Divn.), Gidderbaha
(Annexure P-2) and the appeal filed therefrom by the deceased
Balwinder Singh was dismissed on 08.02.2018 (Annexure P-3) and
thereafter, the petitioner had instituted the execution proceedings on
27.07.2018 and was thus, seeking to recover the money in pursuance*

of the legal proceedings. It is further submitted that the averments in the FIR to the effect that the signatures of Balwinder Singh on the blank pronote is incorrect as in the civil proceedings, the present petitioner has succeeded to win the suit. It is also submitted that the petitioner has been falsely implicated in the present case only to avoid the petitioner from pursuing his execution proceedings. It is argued that even if the allegations in the FIR are taken on face value, then also, no offence under Section 306 IPC is made out against the present petitioner.

Notice of motion for 15.12.2022.

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. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 15.11.2022, the petitioner has joined the investigation.

Learned counsel for the State 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 15.11.2022 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 15.11.2022 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.

15.12.2022

Mehak

(VIKAS BAHL)
JUDGE

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