

*(Through Video Conferencing)*CRM-M No.47447 of 2021
Date of Decision: 18.01.2022

Kulwinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. Navjot Singh, Advocate,
for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioners are seeking anticipatory bail in FIR No.115 dated 07.10.2021 registered under Section 306 read with Section 34 IPC at Police Station Balachaur, District SBS Nagar, Punjab.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court on 11.11.2021. Order dated 11.11.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No. 115 dated 07.10.2021, registered under Section 306 read with Section 34 IPC at Police Station Balachaur, District SBS Nagar, Punjab.

Learned counsel for the petitioners submits that in the present case, the only allegation alleged against the petitioners is that the petitioners had allegedly made allegation against the deceased with regard to stealing of a horn from the motor-cycle belonging to them, due to which allegation, which according to the deceased was false, the deceased committed suicide. Learned counsel for the petitioners submits that the said allegation has only been alleged by the complainant and there is nothing on record to prove the said allegation and even otherwise, confronting someone with an allegation, which has not been proved false as of now, cannot be treated as a ground to abet the suicide. Learned counsel further submits that as nothing is to be recovered from the petitioners and the petitioners are ready to join investigation and cooperate, they be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the allegations against the petitioners are serious though, nothing is to be recovered from them as of now.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances stated hereinbefore, I am of the opinion that the purpose of investigation will achieve in case, petitioners are directed to join investigation and cooperate, especially, when nothing is to be recovered from them and the petitioners have only been roped in on the basis of a particular allegations, which is yet to be proved during the trial.

As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:-

(i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jarnail Singh states that in terms of the order of this Court reproduced before, the petitioners have joined investigation and they are not required for further interrogation, at this stage.

In view of the above, the order dated 11.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, State shall have liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022
 jyoti-II

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No