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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54018-2021 (O&M)
Date of Decision:21.02.2022

Gurjit Singh and others

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kushagra Mahajan, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.192 dated 15.11.2021 under Sections 306 and 34 IPC, 1860 registered at Police Station Kathunangal, District Amritsar (Rural), who apprehend their arrest at the hands of Police.

On 23.12.2021, this Court had passed the following order:-

“The 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.192 dated 15.11.2021 registered under Sections 306 and 34 of the IPC at Police Station Kathunangal, District Amritsar Rural.

Learned counsel for the petitioners argues that the allegations, which have been alleged against the petitioners are totally false and frivolous, which is clear from the fact that the incident of consuming poison by the deceased was of 23.10.2021 and he was discharged from the hospital on 01.11.2021 and was readmitted on 04.11.2021 on complaining uneasiness and unfortunately died on 14.11.2021. During the said period i.e. 23.10.2021 to 14.11.2021, no such allegations were made by anyone accusing that the petitioners abated the act of the deceased.

Learned counsel for the petitioners further submits that nothing is to be recovered from the petitioners and

petitioners are ready to join and cooperate in the investigation and, therefore, they may kindly be extended the benefit of anticipatory bail.

Notice of motion for 21.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel submits that the deceased Lovepreet Singh has lost his life and certain facts were written by him on one of the medical prescription, which indicated towards petitioners but, the same was only found during the investigation. Learned State counsel concedes that nothing is to be recovered from the petitioners.

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

Unfortunately, the deceased has lost his life. Allegations alleged against the petitioners are yet to be proved during the investigation and thereafter, during the course of trial. Keeping in view the facts and circumstances of the present case, the purpose of investigation will be achieved in case, the petitioners are directed to join and cooperate in investigation as nothing is to be recovered from them.

The 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 the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make themselves himself 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 counsel for the petitioners has stated that in compliance of the above order, the petitioners associated themselves in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Naresh Kumar,

states that indeed the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.12.2021 is made absolute.

21.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No