

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(312-3)

CRM-M-49877-2022

Date of decision: - 30.11.2022

Umakanta Pradhan @ Upinder Dass

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Ritu Punj, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. G.S. Brar, Advocate
and Ms. Armaan Saggar, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.136 dated 20.08.2022, under Sections 306 and 120-B IPC, at Police Station Punjab Agriculture University, Ludhiana, District Ludhiana.

On 28.10.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner is a resident of Mathura, Uttar Pradesh and is an initiated member of ISKON and got his initiation done in the year 1996 and is a preacher and is associated with ISKON for the last 26 years. It is further contended

*that the deceased Sargam Shahi used to visit to the petitioner at Vrindavan several times and even used to stay with the petitioner and when the petitioner came to Ludhiana, the birthday of Sandeep Shahi's wife i.e., Sargam Shahi was celebrated on 13.10.2021 at ISKON temple and that Sandeep Shahi had visited the petitioner last on 13/14.08.2022 along with family members at Vrindavan. It is also contended that the petitioner had nothing to do with the personal life of the deceased and his wife and that the petitioner has been falsely implicated in the present case. It is argued that there was some dispute between the deceased and his mother regarding which, an application dated 07.09.2021 (Annexure P-2) had been given to the Police Commissioner, Ludhiana by the deceased, in which, he had stated that apart from other persons, his mother Shashi Kanta, who is the complainant in the present case, wanted to grab his share of the property from the house in question and all the said accused persons including his mother tried to kill the deceased. It is submitted that even in case, the allegations in the FIR are taken on face value, then also, offence under Section 306 IPC would not prima facie be made out. Reliance has been placed upon the judgment passed by the Coordinate Bench of this Court in "**State of Punjab Vs. Kamaljit Kaur @ Bholi and another**", reported as **2008(2) RCR (Criminal) 562**, judgments passed by the Hon'ble Supreme Court in case "**Netar Dutta Vs. State of West Bengal**", reported as **AIR 2005 SC 1775** and in "**Vaijnath Kondiba Khandke Versus State of Maharashtra and another**", reported as **2018(3) RCR (Criminal) 133**, in support of his arguments.*

Notice of motion for 29.11.2022.

To be heard along with CRM-M-47077-2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to her 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.

(VIKAS BAHL)
JUDGE

October 28, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Joginder Pal, has submitted that although, the petitioner has joined investigation, but she is required for further investigation as the name of the seventh accused person is yet to be disclosed by the present petitioner.

Learned counsel for the petitioner has submitted that six petitioners have filed four petitions, which are listed today and the seventh person, namely, Gagandeep, has also filed a petition for anticipatory bail before the learned Additional Sessions Judge, Ludhiana and the same is listed for today.

Keeping in view the abovesaid facts and circumstances, more so, the facts which have been noticed in abovesaid order dated 28.10.2022 and also the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 28.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

November 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No