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

CRM-M-50211-2022

Date of decision : 06.12.2022

Sukhdev Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prince Pasricha, Advocate for
Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.196 dated 14.09.2017 registered under Section 306 of Indian Penal Code, 1860, at Police Station Zira, District Ferozepur.

On 31.10.2022, this Court had passed the following order:-

“Inter alia, contends that in the present case, the petitioner was found to be innocent after investigation and has been summoned under Section 319 Cr.P.C. after a gap of four years and in the present case, there was no suicide note left by the deceased and even the allegations as per the FIR would not constitute offence under Section 306 IPC. It is further contended that the petitioner will appear before the trial Court within a period of one week from today and prayed that on his appearance, the petitioner be released on interim bail.

Notice of motion for 15.11.2022.

In the meantime, the petitioner is directed to appear before the trial Court within a period of one week from today

and on his appearance, the trial Court is directed to release the petitioner on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless there are exceptional circumstances regarding which, specific application for exemption from personal appearance is moved and the same is allowed by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present interim relief granted in favour of the petitioner would be liable to be vacated.”

Thereafter, on 15.11.2022, the following order was passed:-

“Learned counsel for the petitioner has submitted that the petitioner could not appear before the trial Court in pursuance to the order dated 31.10.2022 and prays for 10 days more time to appear before the trial Court.

Adjourned to 6.12.2022.

In the meantime, the petitioner is directed to appear before the trial Court within a period of 10 days from today and on his appearance, the trial Court is directed to release the petitioner on interim bail on his furnishing bail/bonds/surety bonds to the satisfaction of the concerned trial Court, the same would also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless there are exceptional circumstances regarding which, specific application for exemption from personal appearance is moved and the same is allowed by the Court. It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present interim relief granted in favour of the petitioner would be

liable to be vacated. This order would also be subject to the petitioner depositing an amount of Rs.10,000/- before the trial Court within the aforesaid period. The trial Court is directed to release the said money to the complainant-Harpreet Singh.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has appeared before the Judge, Special Court, Ferozepur on 23.11.2022 and has deposited the amount of Rs.10,000/- which has been released to the complainant who was also present in the Court. Learned counsel for the petitioner has also produced a photocopy of the said order dated 23.11.2022 in the Court today which is taken on record and marked as Mark “A”.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 31.10.2022 and also the fact that the petitioner has appeared before the trial Court and has deposited the abovesaid amount, the present petition is allowed and the interim orders dated 31.10.2022 and 15.11.2022 are 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.

06.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**