

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51837-2022

Date of decision:21.12.2022

Rinku

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Vishnu Dutt, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

Prayer in this petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case bearing FIR No.154 dated 17.07.2022 registered under Sections 306, 34 IPC at Salem Tabri, District Ludhiana.

On 14.11.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the petitioner is working as Safai Sewak in the Municipal Corporation, Ludhiana and is not working in the Preet Finance. It is further contended that at any rate the offence under Section 306 IPC is not constituted even on reading of the FIR, inasmuch as, the FIR has been registered on the allegations that the money which was borrowed by the deceased was being sought to be recovered by the accused persons. It is also contended that the matter has been compromised with the complainant.

Notice of motion for 14.12.2022.

On asking of the Court, Mr. Iqbal S. Mann, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vishnu Dutt, Advocate appears on behalf of respondent No.2.

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.

14.11.2022

(VIKAS BAHL)
JUDGE”

Thereafter, on 14.12.2022, this Court was also pleased to pass the following order: -

“Learned State counsel, on instructions from ASI Surinder Pal, has submitted that in pursuance of the order dated 14.11.2022, the petitioner has not joined the investigation.

The petitioner is again directed to join the investigation on 19.12.2022 at 11:00 AM.

Adjourned to 21.12.2022.

Interim order to continue.

14.12.2022

(VIKAS BAHL)
JUDGE”

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

Learned State counsel, on instructions from ASI Harnesh Lal, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 14.11.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 14.11.2022 is made absolute.

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 petition.

21.12.2022

ishwar

Whether speaking / reasoned
Whether reportable

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No