

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-56519-2022

Date of decision: 21.12.2022

Sumit Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rahul Sidher, Advocate for the petitioners.
Mr. Tarun Aggarwal, Sr. DAG, Punjab.
Mr. Jasbir Singh Mokri, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in this petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioners in case bearing FIR No.89 dated 10.11.2022 registered under Sections 306, 34 IPC at PS City-2 Abohar, District Fazilka, Punjab.

On 05.12.2022, this Court was pleased to pass the following order:-

*“Inter alia contends that Sumit Kumar is the brother-in-law of the deceased; Santosh is the father-in-law of the deceased and Renu is the wife of the deceased and since deceased Paras used to consume liquor/drugs in heavy quantity, thus, there was a dispute in the house and on account of the same, Renu left the house as said Paras used to beat her on many occasions. It is further submitted that Renu gave birth to a baby girl on 11.09.2022 but said Paras had no concern with the said baby. It is stated that the deceased committed suicide on 06.11.2022, whereas, the FIR has been registered after a delay of more than four days i.e. On 10.11.2022 and even as per the alleged whatsapp messages dated 08.07.2022 and 06.11.2022, no specific allegation has been made so as to prima facie show that offence under Section 306 IPC has been committed. In support of his contentions, learned counsel for the petitioner has relied upon judgment of the Hon'ble Supreme Court of India in a case titled as “**Gangula Mohan Reddy Vs. State of Andhra Pradesh**”, reported as (2010) 1 Supreme Court Cases 750 and also a judgment of a Co-ordinate Bench of this Court in “**State of Punjab Vs. Kamaljit***

Kaur alias Bholi and another, reported as 2008(2) RCR (Criminal) 562.

Notice of motion for 21.12.2022.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioners 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.

A photocopy of this order be placed on the file of connected case.

05.12.2022

(VIKAS BAHL)
JUDGE”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Bhupinder, has submitted that the petitioners have joined investigation and are 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 05.12.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 05.12.2022 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

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(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No