

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARHCRM-M-1424-2023(O&M)  
Date of decision : 03.11.2023

Hardial Singh

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***Present: Mr.Keerat Dhillon, Advocate for  
Mr.Preetinder S. Ahluwalia, Advocate  
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

Mr.Labh Singh Sandhu, Advocate and  
Mr.Mudit Bhardwaj, Advocate  
for the complainant.**VIKAS BAHL, J.(ORAL)**

1. This is the second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.265 dated 11.11.2022 registered under Section 306 IPC at Police Station City Rajpura, District Patiala.

2. It is pointed out that the petitioner had earlier filed a petition for anticipatory bail which was withdrawn vide order dated 21.12.2022 with liberty to file a fresh petition with better particulars and thus, in effect the present petition is the first petition for anticipatory bail.

3. On 12.01.2023, a co-ordinate Bench of this Court was pleased to pass the following order:-

*“Petitioner has preferred this petition after complying with the requirement of 1961 postal convention i.e. convention of 5th October 1961 abolishing the requirement of legalization for foreign public documents.*

*Learned counsel for the petitioner submits that as per the contents of the alleged video clip, the allegation against the petitioner is that he allowed the shop of the petitioner to be encroached about 40 months ago and did not take any action despite a request made by the deceased. In the suicide note allegedly executed by the deceased, the allegation against the petitioner is that despite lodging of FIR No.202 of 2019 against the co-accused, the petitioner did not help the deceased in getting the possession of the shop back.*

*Notice of motion.*

*On the asking of the Court, Mr. R.S. Pandher, Sr. DAG, Punjab accepts notice on behalf of the respondent and seeks time to file status report.*

*Adjourned to 18.01.2023.*

*12.01.2023*

**(RAJ MOHAN SINGH)  
JUDGE”**

4. On 23.01.2023, the co-ordinate Bench of this Court was pleased to pass the following order:-

*“Status report by way of an affidavit of Surinder Mohan, PPS, Deputy Superintendent of Police, Sub Division Rajpura, District Patiala has been filed on behalf of State of Punjab, a copy thereof has been supplied to learned counsel for the petitioner.*

*Learned counsel for the petitioner has placed reliance upon a video clip to contend that the allegation against the petitioner is in respect of allowing the shop of the complainant to be encroached by someone about 40 months ago and the petitioner did not take any action despite a request made by the deceased.*

*Learned counsel for the petitioner has also placed reliance upon the suicide note allegedly executed by the deceased in which allegation against the petitioner is that despite lodging of FIR No.202 of 2019 against the co-accused, the petitioner did not help the deceased in getting the possession of his shop back from the encroachers.*

*Adjourned for arguments on 17.04.2023.*

*Till the next date of hearing, the petitioner is directed to appear before the Investigating Officer within two weeks from today and in the event of doing so, he shall be allowed to join the investigation to the satisfaction of Investigating Officer. In the event of his arrest, he shall be enlarged on interim bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. It is made clear that interim indulgence shall not confer any*

*equitable consideration. The case shall be heard on its own merits.*

23.01.2023

(RAJ MOHAN SINGH)  
JUDGE”

5. Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.
6. Learned State counsel, on instructions of ASI Deedar Singh, P.S. City Rajpura, has submitted that the petitioner has joined the investigation and is not required for further investigation.
7. Keeping in view the above said facts and circumstances, more so, the fact that the petitioner has already joined the investigation, the present petition is allowed and the interim order dated 23.01.2023 is made absolute.
8. 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 petition.
9. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)

JUDGE

November 03, 2023

Davinder Kumar

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |