

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

228

CRM-M-1992-2023

Date of Decision: 24.02.2023

Dilbagh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amaninder Singh, Advocate for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

On 16.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking grant of anticipatory bail in FIR No.150 dated 13.12.2022 (Annexure P-1) registered at Police Station Jaito, District Faridkot, under Sections 306 & 120-B of Indian Penal Code, 1860.

As per FIR, the daughter-in-law of the petitioner has committed suicide by jumping in a river. There is no suicide note. Husband of the deceased has already been arrested.

Learned counsel for the petitioner, inter alia, contends that petitioner is a 74 years old man and his son has already been arrested. The marriage between the deceased and son of the petitioner was solemnized 17 years back and there is a 16 years old child from the said wedlock. There is no suicide note and petitioner has handed over CCTV footage of the alleged date of incident. The deceased had adopted a minor daughter of her sister and one day prior to the date of incident, she (sister of the deceased) had taken away the said child and deceased was depressed on account of this fact. The petitioner is an innocent person and he has not committed the alleged offence. The petitioner is not involved in any other offence. The petitioner is

permanent resident of District Sri Mukstar Sahib. The petitioner is ready to join investigation and face trial. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion returnable for 24.02.2023.

Mr. Amish Sharma, AAG, Punjab, who is present in Court on advance notice, seeks time to file status report.

Mr. Jasdeep Singh, Advocate puts in appearance on behalf of respondent No.2 and files his Power of Attorney. The same is taken on record and Registry is directed to tag at appropriate place.

*In the meantime, keeping in mind age of the petitioner, age of the deceased, date of marriage of the deceased with the son of the petitioner and law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590; Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI, (2022)10 SCC 51; Siddharam Satlingappa Mhetre V. State of Maharashtra & Others, 2010 SCC OnLine SC 1375; Shri Gurbaksh Singh Sibbia V. State of Punjab (1980), 2 Supreme Court Cases 565**; at the first instance, the petitioner is directed to appear before Investigating Officer on **25.01.2023** and thereafter as directed by Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Learned State counsel submits that the petitioner has already joined investigation and no custodial interrogation is required. He further submits that challan stands presented.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 16.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>