

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

206

CRM-M-4129-2023

Date of Decision: 11.05.2023

Dilbagh Singh and Others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kuljit Singh Bal, Advocate for the petitioners

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Kawal Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 27.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioners are seeking anticipatory bail in FIR No. 40 dated 31.3.2020, under Sections 498-A, 304-B and 34 of IPC, registered at Police Station Ajnala, District Amritsar.

FIR No. 40 dated 31.3.2020 came to be registered against petitioners as well as son of petitioners No. 1 and 2 alleging commission of offence punishable under Sections 498-A, 304-B and 34 IPC. It was alleged that petitioners have put some poisonous material in the mouth of Gurleen Kaur i.e. daughter of the complainant. The police carried out investigation and found that petitioners are innocent and their son Jaskaran Singh is guilty of offence punishable under Section 306 IPC. During investigation it was found that petitioners have not put poisonous material in the mouth of the deceased whereas she had consumed some poisonous material and

committed suicide on account of drugs consumed by her husband. The police filed challan against son of the petitioners alleging commission of offence under Section 306 IPC. The complainant during the course of trial appeared before the trial court and reiterated contents of the FIR. An application under Section 319 Cr.P.C. came to be filed and trial court summoned the petitioners.

Learned counsel for the petitioners inter alia contends that from the perusal of inquiry report conducted by police, it is quite evident that petitioners have not committed offence punishable under Sections 304-B and 34 IPC still trial court mechanically relying upon statement of complainant has summoned the petitioners to face trial for commission of offence punishable under Sections 498-A, 304-B read with Section 34 IPC. The petitioners are ready to face trial. The petitioners No. 1 and 2 are old aged persons. 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.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

The petitioners are directed to appear before trial court on or before 10.2.2023. On their appearance, the trial court shall admit the petitioners on bail on furnishing bail/surety bonds to its satisfaction.

Adjourned to 24.2.2023.

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.”

2. Learned State counsel, on instructions from ASI Kawal Singh, submits that in compliance with afore-stated order, the petitioners have surrendered before the Trial Court and furnished bail bonds. The Trial Court has further framed charges against the petitioners.

3. In view of above-stated factual position, order dated 27.01.2023 passed by this Court is made absolute.

4. If the petitioners or their 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.

5. 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

11.05.2023
Mohit Kumar

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