

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-4574-2023 (O&M)

Date of Decision : 12.12.2023

JASPREET SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. K.S. Kahlon, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Rajneesh Malhotra, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.131 dated 09.12.2022 under Sections 306, 34 of the Indian Penal Code, 1860 registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

2. On 14.02.2023 the following order was passed :

“CRM-M-4574-2023

Counsel for the petitioner has submitted that in fact the FIR was lodged in a fist of rage and there has been never any disharmony between the families. He further submits

that the petitioner-husband is in the Indian Army and had always taken care of the deceased-wife but never instigated her to take such a step of committing suicide. The children are being taken care by the petitioner and grand-parents and have entered into compromise with the family of deceased wife also.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab assisted by ASI Hardeep Singh, accepts notice on behalf of the respondent State. Mr. Rajneesh Malhotra, Advocate, has put in appearance and filed his Vakalatnama on behalf of the complainant. The same is taken on record.

Learned counsel for the State has opposed the bail, although counsel for the complainant admits the quantum of compromise and the averments made by counsel for the petitioner.

In light of the above, let the petitioner join investigation on 24.02.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer

and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 22.03.2023.

It is made clear that this order shall not be used as a precedent in any matter and the same is being passed by keeping in view the extremely peculiar facts and circumstances of the present case as well as in the best interest of the children.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Charanjit Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 14.02.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

12.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO