

217

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

CRM-M-6554-2023
Date of Decision: 23.03.2023

Sukhwant Singh Sandhu @ Kala

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Amandeep Singh Manaise, Advocate for
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.117 dated 08.11.2022, registered under Sections 306 and 120-B of the Indian Penal Code, at Police Station Ghall Khurd, District Ferozepur.

On 08.02.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.117 dated 08.11.2022, registered under Sections 306 and 120-B of the Indian Penal Code, 1860, at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the case at the behest of complainant, who is brother of deceased-Jaswinder Singh. The allegations levelled against the petitioner are that he was having illicit relations with Sonia, wife of deceased-Jaswinder Singh and due to this reason, said Jaswinder Singh, had committed suicide. It is submitted that

infact there was a family dispute between deceased Jaswinder Singh and his wife Sonia, whereas, the petitioner has never interfered in their matrimonial life. It is submitted that the petitioner has not been in the alleged relationship with co-accused Sonia nor he had ever harassed and threatened deceased Jaswinder Singh. Learned counsel further submits that the petitioner is a small financier, who is running a registered partnership firm under the name and style of "M/s Raman Financers" at Ferozepur Cantt. and Jaswinder Singh-deceased, who was a taxi driver, approached the petitioner for taking loan, whereupon, the petitioner had disbursed a loan of Rs.3,50,000/- on 03.02.2022 and Rs.80,000/- on 21.04.2022 in the bank account of Sonia (deceased wife) against which said Sonia had handed over seven cheques duly signed by her to the petitioner as security in lieu of discharging the aforesaid legal liability of repaying the loan taken on behalf of her husband-deceased Jaswinder Singh. It is submitted that out of total amount of Rs.4,30,000/-, Jaswinder Singh (deceased) and Sonia returned an amount of Rs.1,20,000/- on 07.06.2022 and Rs.1,00,000/- on 29.06.2022 by way of bank transfer to the petitioner and he used to demand repayment of remaining amount of loan from Jaswinder Singh (deceased) and his wife Sonia (co-accused), the petitioner is being enroped in the FIR on the allegation that he forced said Jaswinder Singh to commit suicide, whereas Jaswinder Singh (brother of complainant) was killed in an accident occurred on 08.11.2022. It is submitted that co-accused (Sapna) in this case has already been granted interim bail vide order dated 17.01.2023 passed by this Court in CRM-M-122-2023 (Annexure P-5). Learned counsel further submits that there is no direct or indirect evidence to connect the petitioner to the commission of crime nor there is any iota of evidence to constitute offence under Section 306 of the Indian Penal Code, yet the bail application moved by the petitioner before the Additional Sessions Judge (Fast Track Court), Ferozepur, has wrongly been dismissed vide order dated 01.02.2023. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for bail on the ground that there are specific allegations against the petitioner. However, it is not disputed that the co-accused (Sapna) in this case has been granted interim bail vide order dated 17.01.2023 passed by this

Court in CRM-M-122-2023 (Annexure P-5).

List on 23.03.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Lakhvir Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 08.02.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

23.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No