

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHCRM-M-8869-2023(O&M)
Date of decision : 03.11.2023

Bhupinder Kapoor

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abhinav Oberoi, Advocate and
Mr.Harpreet Singh, 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 first 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. On 20.02.2023, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the applicant/petitioner contends that the ingredients of the offence under Section 306 IPC are not satisfied inasmuch as that there are no specific allegation against the petitioner vis time, place and manner of mental harassment meted to the family of the deceased.

Notice of motion returnable on 17.04.2023.

Till the next date of hearing, the petitioner is directed to appear before the Investigating Officer on 25.02.2023 at 11.00 a.m. 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.

20.02.2023

(RAJ MOHAN SINGH)
JUDGE”

3. Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

4. 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.

5. Learned counsel for the complainant has submitted that the observations made in the above said order should not be construed as an expression on the merits of the main case and the trial as well as the proceedings should be conducted independently.

6. 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 20.02.2023 is made absolute.

7. It is made clear that the observations made by the coordinate Bench of this Court while issuing notice of motion and this Court while confirming the anticipatory bail, are limited for the purpose of grant of bail and the same would not be construed as an expression on the merits of the trial which should be considered independently, in accordance with law.

8. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE**November 03, 2023***Davinder Kumar*Whether speaking / reasoned
Whether reportableYes/No
Yes/No