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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11536-2023
Date of Decision: 10.05.2023

Ravi @ Varinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.0388 dated 16.10.2022, registered under Sections 304 and 149 of the Indian Penal Code, 1860, at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1).

2. On 29.03.2023 the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.0388 dated 16.10.2022, registered under Sections 304 and 149 of the Indian Penal Code, 1860, at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1).

Status report dated 29.03.2023, by way of affidavit of

Arun Sharma, P.P.S., Deputy Superintendent of Police, Sub Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, on behalf of respondent/State of Punjab is filed by the learned State counsel in Court today and the same is taken on record, subject to all just exceptions.

Succinctly, the aforesaid FIR was registered on the complaint of one Jatinder Singh, who had stated that on 14.10.2022, Mehakdeep Singh (son of complainant) went to the IELTS centre in the morning and at about 4:00 P.M., since the complainant was in need of motorcycle; accordingly he called his son, whereupon his son responded that he will be back in 20-25 minutes. It is further stated that at about 8:34 P.M., a call was received from Mehakdeep Singh's phone by an unknown person, who informed that his son was lying on kaccha path from Village Gharata Side towards Station Khadur Sahib and when the petitioner along with his nephew, namely Ranjodhbir Singh, reached there then he saw his son lying in bushes alongside canal in an unconscious condition, then the complainant immediately took his son to the hospital where he was declared dead. Accordingly, the present FIR was registered against 14 persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and petitioner has no concern with the allegations made in the FIR and neither is petitioner involved in any other case. Learned counsel submits that the deceased (Mehakdeep Singh) used to consume drugs along with his friends and due to drug overdose he has expired. It is further submitted that the petitioner was not last seen with the deceased (Mehakdeep Singh) and no specific role has been attributed to the petitioner. Learned counsel next submits that other co-accused have been granted the concession of regular bail (Annexures P-3 to P-8) and the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Tarn Taran, vide its order dated 15.02.2023. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed by learned State counsel that the other co-accused have been granted the concession of regular bail and the petitioner is not involved in any other case.

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It is submitted that as per Status Report, the report from Office of Chemical Examiner was received and no poison was detected in Exhibit I to IV.

List on 10.05.2023.

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.”

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

4. Learned State counsel on instructions from ASI Maswinder 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.

5. Heard learned counsel for the parties.

6. 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 29.03.2023 passed by this Court is made absolute.

7. 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.

8. It is made clear that if the petitioner fails 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.

9. Nothing expressed here-in-above shall be construed to be an

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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.

10. The petition is accordingly disposed of.

10.05.2023
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(HARSH BUNGER)
JUDGE

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