

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

**CRM-M-14329-2023(O&M)
Date of decision : 03.11.2023**

Sanjeev Kumar

... 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 21.03.2023, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner contends that even on the face of the allegations made against the petitioner, no offence is made out under Section 306 IPC. The allegation is that the complainant was to recover an amount of Rs.5.25 lakhs from the petitioner and the said amount was given as a loan to the petitioner. Even for the additional allegations, the material ingredients of the offence under Section 306 IPC are missing altogether, as there is no concerted effort made by the petitioner to abet the commission of offence in any manner.

Learned counsel for the petitioner relies upon pendency of CRM-M-1424 of 2023, CRM-M-8869 of 2023, CRM-M-6900 of 2023 and CRM-M-12409 of 2023 filed by the co-accused.

Notice of motion returnable on 17.04.2023. To be heard along with CRM-M-1424 of 2023.

In the meanwhile, petitioner is directed to appear before the Investigating Officer to join the investigation within two weeks from today 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.

21.03.2023

(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 21.03.2023 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	Yes/No
Whether reportable	Yes/No