

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-14444-2023
Date of decision: 03.05.2023

DEV RAJ

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. H. S. Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY. J.

On 22.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 0091 dated 04.12.2022 registered under Sections 306 and 34 of the Indian Penal Code, 1860 at Police Station Patara, District Jalandhar Rural.

Learned counsel submits that the petitioner is 73 years old who is the uncle of co-accused Sukha @ Sukhwinder whose wife allegedly eloped with another person namely Rohit and both had committed suicide. He has been falsely implicated only on account of his aforesaid relationship. Rohit (since deceased) was admitted in the hospital before he passed away, however, he had not made any statement before any staff either of the hospital or holding the petitioner responsible or anyone else responsible for the incident. She also relies on the affidavit of the complainant Gurpreet (Annexure P-1) and the alleged eye witness namely PritamChand, who was accompanying the complainant while Rohit (since deceased) was

taken to the hospital, who also do not support the case of the prosecution, both the co-accused namely Jagtar and Sukha @ Sukhwinder have been granted regular bail vide Annexures P-3 and P-4 respectively.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 29.03.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 03.05.2023. ”

Learned counsel submits that in pursuance of the above order, the petitioner has not only joined investigation, but also fully cooperated with the investigating agency. She further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 22.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

03.05.2023

<i>Mehak</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No