

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-15817-2023 (O&M)

Date of decision: - 05.05.2023

Kulwant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sagar Aggarwal, Advocate,
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is the second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.170 dated 19.08.2021, registered under Sections 306, 506 and 120-B IPC, at Police Station Dirba, District Sangrur.

2. On 28.03.2023, this Court was pleased to pass the following order:-

“Inter alia, contends that the FIR in the present case was registered on 19.08.2021, in which, although, the name of the petitioner was also mentioned, but he was not arrayed as an accused as the accused in the FIR were stated to be Arshdeep Kaur and Baljit Kaur. It is further contended that the primarily allegations levelled by the complainant Sarabjit Kaur, who is the mother of the deceased, was that her son was in a relationship with Arshdeep Kaur and on account of the said aspect, Arshdeep Kaur, alongwith her massi Baljit Kaur & the present petitioner, was trying to extract money out of the deceased. It is also contended that a suicide note was handed over on

24.08.2021 by the complainant to the police and thereafter, the petitioner had applied for anticipatory bail and the case had come up for hearing on 29.09.2022 and the learned State counsel had submitted that as per the investigation carried out, the petitioner had been found innocent and his custodial interrogation was not required and in case the same was required, then, 7 days prior notice would have been issued to the petitioner and accordingly, the said petition was rendered infructuous. It is submitted that now a Special Investigation Team (SIT) has been constituted, which is reinvestigating the matter and has submitted its report, as per which, even the present petitioner is stated to be involved in the alleged occurrence. It is further submitted that even in case the allegations in the FIR and the suicide note are taken on face value, then also, the same would not constitute an offence under Section 306 IPC. It is stated that the petitioner would fully cooperate with the investigation and in case the petitioner is arrested, then, it will cause serious prejudice to the petitioner as he is working as a Senior Constable in the Punjab Police.

Notice of motion for 05.05.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

March 28, 2023

**(VIKAS BAHL)
JUDGE"**

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

4. Learned State counsel, on instructions from ASI Raghbir Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

5. Keeping in view the abovesaid facts and circumstances more

so, the facts which have been noticed in abovesaid order dated 28.03.2023 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 28.03.2023 is ordered to be made absolute.

6. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

7. Pending application, if any, stands disposed of in view of the above.

May 05, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No