

2023:PHHC:111944

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

208-1

CRM-M-16269-2023

Date of decision : 22.08.2023

Gurlal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Amaninder Singh Sekhon, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 29.03.2023:-

“Prayer is for grant of anticipatory bail in case having
FIR No.18 dated 3.2.2023 registered under Sections 302
120-B IPC at Police Station Sri Muktsar Sahib District Sri
Muktsar Sahib.

The counsel for the petitioner inter alia contends that
the after the death of Mohinder Singh, the matter was
inquired into by the police and police sought medical
opinion with regard to death of Mohinder Singh and on
completion of the said inquiry, the police officials came to
the conclusion that Mohinder Singh has not been murdered
and rather he committed suicide and the copy of the said
inquiry report is Annexure P-2. The counsel for the
petitioner further submits that being not satisfied, the
complainant moved an application under Section 156(3)

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Cr.P.C. and the same was allowed and the FIR in the present case was registered. The counsel further submits that even as per the allegations recorded in the FIR the deceased was lastly seen in the company namely Sharmmi and Jaspal Singh and that the FIR has been registered only on the basis of suspicion that petitioner helped Kulwinder Kaur who is having property dispute with the complainant. The counsel for the petitioner further submits that earlier also the petitioner was associated with the inquiry conducted by the higher police official in the matter and the petitioner is ready to join investigation with the police.

Notice of motion.

On the asking of the Court, Mr. Chaman Lal Pawar, Addl. A.G. accepts notice on behalf of State of Punjab and prays for time to seek necessary instructions with regard to final opinion given by the concerned doctor / board of doctors regarding cause of death of Mohinder Singh. The State counsel is directed to produce the entire police record including the inquiry proceedings relating to inquiry (Annexure P-2).

Now be listed on **17.4.2023**.

In the meanwhile, the petitioner should join investigation with the police but no coercive action be taken against him only till the next date of hearing.”

2. Today, learned State counsel, on instructions from HC Kuldeep Singh, submits that pursuant to the order dated 29.03.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. He further submits that cancellation report already stand prepared and after that it was found that it was not a case of murder.

3. In view of above, the interim order dated 29.03.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

22.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No