

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

212

CRM-M-20377-2023

Date of Decision: 22.05.2023

Sukhjinder Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by SI Tarsem Singh)

Mr. Pushp Jain, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 25.04.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 111 dated 04.12.2021, under Section 306 IPC, registered at Police Station, Bholath, District Kapurthala.

Learned counsel for the petitioner inter alia contends that petitioner is husband of deceased. In the FIR, father, mother, sister and daughter of sister of the petitioner were nominated. This Court vide order dated 11.5.2022 passed in CRM-M- 7094 of 2022 and CRM-M- 6357 of 2022 has granted concession of anticipatory bail to father, mother, sister and daughter of sister of the petitioner. The complainant has compromised the dispute and filed an affidavit disclosing that he had lodged FIR in haste. The

petitioner was out of country for last three years prior to suicide committed by his wife. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 22.05.2023.

On the asking of Court, Vipin Pal Yadav, Addl. A.G., Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner, law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565 and on the ground of parity, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 01.05.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

2. Mr. Pushp Jain, Advocate appeared and filed his Power of Attorney on behalf of respondent No.2. The same is taken on record. Registry is directed to tag at an appropriate place.

3. Learned State counsel, on instructions from SI Tarsem Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

4. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 25.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023
Mohit Kumar

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