

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-24820 of 2022

Date of Decision: 16.1.2023

Jagdhir Singh

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ravi Malhotra, Advocate
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

On 29.7.2022, the following order was passed :-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.0042 dated 28.03.2022, registered for offences under Sections 306 and 120-B of the *Indian Penal Code, 1860 (for short “IPC”)*, at *Police Station City Rupnagar, District Rupnagar, Annexure P-1*.

Counsel for the petitioner urges that the allegation levelled in the FIR is that Kulbir Singh was in an extra marital relationship with Manpreet Kaur, petitioner's wife and at their instance Kulbir was harassing his wife, Jaspreet Kaur (deceased). Counsel contends that it has been further alleged that both, Kulbir Singh and his wife-Jaspreet

Kaur, consumed poison, but Jaspreet Kaur unfortunately expired, whereas Kulbir Singh survived. Counsel argues that the relation between the deceased and her husband were strained, as per the FIR. It is his argument that the petitioner has been falsely implicated because he is the husband of Manpreet Kaur. He asserts that essential ingredients of offence under Section 306, IPC are not satisfied and his wife, co-accused, Manpreet Kaur, has been apprehended. It is his submission that no recovery is to be effected from the petitioner, who is ready to join the investigation.

Notice of motion. 1 of 2

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of respondent-State. Upon instructions received from ASI, Sucha Ram, State counsel submits that besides the present petitioner, there are three other accused, who have been arrested and challan presented against all of them.

List on 16.01.2023.

The petitioner shall appear before the Investigating Officer and join investigation and would appear as and when called by him. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C”

Learned State counsel on instructions from ASI Boota Singh,
submits that petitioner has joined investigation and no custodial

interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 29.7.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

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.

(JAGMOHAN BANSAL)
JUDGE

16.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No