

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-26847-2023

Date of Decision:22.11.2023

Adarsh Kumar Sehgal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. Karan Kalia, Advocate for
the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Ajay Jain, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 26.05.2023, following order was passed:

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.42 dated 2.2.2023 under sections 306 I.P.C, registered at Police Station, Zirakpur, District SAS Nagar, Mohali.

Learned senior counsel for the petitioner has contended that petitioner has been falsely implicated in the present case. He submits that as per the allegations made in the FIR the ingredients of Section 107 IPC for abetting the suicide committed by deceased Narinder Gupta are not even fulfilled. It is submitted that wives of the petitioner and complainant were partners in the business of poultry farming. It is further submitted that by no stretch of imagination the offence under Section 306 IPC read with section 107 IPC is made out. Counsel submits that petitioner had approached the court of learned Addl. Sessions Judge, Mohali for grant of anticipatory bail and he was granted the same vide order dated 5.5.2023, however, on clumsy

grounds it was alleged that petitioner did not cooperate with the investigating agency and his anticipatory bail was dismissed vide order dated 12.5.2023. Counsel submits that petitioner has no criminal antecedents and in the facts and circumstances of the case neither any prima facie case is made out against the petitioner nor any custodial interrogation of the petitioner is required, however, petitioner is ready to join investigation.

Notice of motion.

On the asking of the court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1-State and Mr. Ajay Jain, Advocate accepts notice on behalf of the complainant.

List on 6.9.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

Status report by way of an affidavit of Shri Bikramjit Singh Brar, PPS, Deputy Superintendent of Police, Zirakpur, District S.A.S. Nagar (Mohali) has been filed on behalf of respondent- State, as per which petitioner has joined the investigation in compliance of the order dated 26.05.2023.

In view of the status report filed today, petitioner petitioner has

since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 26.05.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 22, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No