

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29048 of 2023
Date of decision: 17.11.2023

JAGDISH SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate for
Mr. Jitender Singh Dadwal, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)

1. On 02.06.2023, the following order was passed by the Coordinate
Bench of this Court:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in Complaint case No. COMI-23 of 2019 dated 13.02.2019, under Sections 302, 304-B, 120-B, 148 and 149 of IPC pending in the Court of Additional Chief Judicial Magistrate, Tarn Taran, District Tarn Taran.

Learned counsel for the petitioners inter alia contends that complainant lodged FIR No. 217 dated 26.08.2018 under Sections 304-B and 120-B of IPC against the petitioners. The matter was investigated by police and cancellation report came to be filed. The petitioners filed CRM-M- 3091 of 2019 before this Court seeking anticipatory bail in aforesaid FIR. This Court vide order dated 04.09.2019 granted concession of anticipatory bail to the petitioners. The cancellation report stands accepted, however, trial court has proceeded against the petitioners on the complaint filed by complainant. The petitioners have been summoned to face trial and Sessions Court has dismissed their bail application. The petitioners are ready face trial. Filing of cancellation report by police indicates that at least

prima facie petitioners are not guilty of commission of alleged offence. The petitioners are ready to face proceedings. There is no possibility of flee from justice.

Notice of motion, returnable for 10.07.2023.

On the asking of Court, Ms. Guramrit Kaur, DAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

In the meantime, the petitioners are directed to appear before the trial court on 06.06.2023. On appearance of the petitioners before the trial court, they shall be admitted to bail on their furnishing bail bonds/surety bonds to satisfaction of trial court”.

Photocopy of this order be placed on the file of connected case”.

2. Learned counsel for the petitioner contends that at the first instance an FIR bearing No.0217 dated 26.08.2018, under Sections 304-B and 120-B IPC was registered at the Police Station Sadar Tarn Taran, District Tarn Taran against the petitioner. After the investigation, a cancellation report was submitted and after recording the statement of the complainant, the same was accepted by the Court of Learned Illaqa Magistrate. The complainant has preferred a criminal complaint wherein the petitioner has been summoned. In pursuance of the interim directions, Kuljeet Kaur and Jagdish Singh-petitioner had surrendered in the trial Court on 06.06.2023. Gurpreet Singh co-accused had surrender in the Court on 14.06.2023 and they have been admitted on interim bail.

3. Learned State counsel submits that during the course of investigation, it had emerged that the deceased had committed suicide as she was disturbed due to thyroid disease and was unsuccessful in Bachelor of Arts examinations. The petitioner was found to be innocent and accordingly, cancellation report was submitted and the same has been accepted.

4. Learned counsel for the complainant has opposed the bail application

on the score that there are categoric allegations with regard to demand of dowry and death of the deceased which has taken place otherwise and the normal circumstances within a period of about 02 years from the marriage.

5. It is significant note that at the earlier instance, in FIR was registered on the basis of same allegations. During the course of investigation, the petitioners were found innocent and cancellation report has been accepted. The petitioner has been summoned by the Court of Ld. Judicial Magistrate on the complaint under Sections 302, 304-B, 120-B, 148, 149 IPC submitted by Hazoor Singh, father of the deceased. It is a complaint case. The petitioner is not required for investigation of the case. In pursuance of the interim directions, the petitioner has surrendered in the trial Court.

6. In view of the aforesaid submissions, the order dated 02.06.2023 granting interim bail to the petitioner is made absolute.

7. The petition is allowed. However, it is directed that the petitioner shall furnish fresh bail bonds before the trial Court/Committing Court/Illaq Magistrate within a period of one month.

17.11.2023
joyti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No