

**209 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-30193-2023 (O&M)****Date of Decision: 27.07.2023**

Jagdish Choprah @ Jagdish Rai

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kumar Bokolia, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG Punjab.

Mr. Karanjeet Singh Brar, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.34 dated 23.05.2023, under Section 306 read with Section 34 IPC registered at Police Station Sadar Abohar, District Fazilka.

2. Naresh Kumar committed suicide on 22.05.2023. Petitioner, who is father-in-law of the deceased, is alleged to have harassed and abetted said Naresh Kumar to commit suicide.

3. This Court vide order dated 12.06.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter-alia, that petitioner is 73 years of age and moreover, residing at Bathinda; thus, not at all concerned with the commission of alleged offences.

Notice of motion

Mr. Ferry Sofat, Addl. AG, Punjab, accepts notice and seeks time to have instructions in the matter.

Posted on 27.07.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated 12.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

27.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No