

S. No.208

2023:PHHC:125835

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31404 of 2023

Date of Decision:25.09.2023

Subhan Ali @ Maani

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

On 03.07.2023, the following order was passed by this Court:-

“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.63, dated 17.05.2023, registered at Police Station City-1, Malerkotla, District Malerkotla, under Section 306 IPC.

As it emerges from the FIR that Manpreet Singh committed suicide on 17.05.2023. His wife Smt. Sandeep Kaur lodged the FIR alleging that petitioner Subhan Ali @ Maani, besides Navjeet Singh, Balbir and Gurwinder Singh @ Guri are responsible for committing suicide of her husband. The attribution to the petitioner is that about 1-1/2 months back deceased had told his wife (complainant) that he had borrowed money from Subhan Ali @ Maani (petitioner) and despite returning the same after sometime, petitioner was still demanding the same.

It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that even if the contents of the FIR are taken on the face value, they do not attract the ingredients of Section 107 of IPC to be read with Section 306 of IPC. It is further pointed out that similarly placed co-accused Gurwinder Singh @ Guri has already been given the benefit of pre-arrest bail, vide order dated 31.05.2023 (Annexure P-2).

Notice of motion.

Mr. M.S. Nagra, Asstt. A.G., Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 25.09.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and cooperate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

It is informed by learned State Counsel, on instructions from ASI Bhinder Singh, that in compliance of the order dated 03.07.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 03.07.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

September 25, 2023

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No