

204

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-33581-2022(O&M)

Date of Decision: 22.03.2023

RATTAN SINGH

....Petitioner

Versus

UT CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rohit Khullar, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, A.P.P., UT, Chandigarh.

Mr. Saurabh, Advocate with
Mr. S.K. Sharma, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.64 dated 12.05.2022 registered under Sections 306 and 34 of Indian Penal code, 1860 at Police Station Mauli Jagran, UT Chandigarh.

On 01.08.2022, the following order was passed by the Co-ordinate Bench of this Court :-

“The learned Senior Counsel for the petitioner has submitted that in the present case a perusal of the FIR as well as suicide note would show that the basic ingredients of Section 306 IPC are not fulfilled and the petitioner is the brother of the deceased and he is 72 years old man and has prayed for grant of anticipatory bail.

Notice of motion.

Mr. Amit Kumar Goyal, learned APP, UT Chandigarh, accepts notice on behalf of UT, Chandigarh.

Mr. Saurabh Savara, Advocate has appeared on behalf of respondent No.2 and has filed his power of attorney which is taken on record.

The respondent No.2 shall be at liberty to file an affidavit

before this Court in case it is so required and so desired.

Adjourned to 08.02.2023.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Rajesh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 01.08.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

The petition is accordingly disposed of.

22.03.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No