

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32464-2023 (O&M)
Date of Decision : 04.10.2023

Sushil KumarPetitioner

VERSUS

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amandeep Saini, Advocate for the petitioner.
Mr. H.S. Sidhu, AAG Punjab.
Ms. Mehak Bedi, Advocate for
Mr. Vivek K. Thakur, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.81 dated 21.06.2023 under Sections 306, 120-B of the Indian Penal Code, 1860 registered at Police Station Nangal, District Rupnagar.
2. On 17.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.81 dated 21.06.2023 under Sections 306, 120-

B of the Indian Penal Code, 1860 registered at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner would contend that no offence under Section 306 IPC is made out and the only allegation against the petitioner is that he had contacted the fiancée of the girl who, as per the FIR, is stated to have jumped into a canal and her belongings have been found on the side of the canal. The learned counsel would further contend that no body has been recovered till date and that there is no prima facie evidence which may even remotely connect the petitioner to the incident.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent-State and requests for some time to seek instructions.

List on 04.10.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in

*Section 438(2) of the Code of Criminal Procedure,
1973.*

3. Learned counsel for the petitioner would contend that the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Kulwinder Singh, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 17.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

October 04, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO