

204-B

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

CRM-M-34416-2022(O&M)

Date of Decision: 22.03.2023

JEET SINGH @ JIT SINGH

....Petitioner

Versus

UT CHANDIGARH AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. Amit Kumar Goyal, APP., 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, at Police Station Mauli Jagran, UT Chandigarh.

On 05.08.2022, the following order was passed by the Co-ordinate Bench of this Court :-

"By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 64 having been registered at Police Station Mauli Jagran, U.T. Chandigarh, on 12.05.2022, alleging therein the commission of offences punishable under the provisions of Sections 306/34 of the IPC.

*Learned senior counsel appearing for the petitioner relies upon an order passed by this court (coordinate Bench) on 01.08.2022 in CRM-M-33581-2022, titled as **Rattan Singh** vs. **U.T.Chandigarh and another**, by which the petitioners' brother (co-accused) was admitted to interim bail.*

Notice of motion.

Mr. Amit Kumar Goyal, Addl. P.P. U.T., Chandigarh, accepts notice on behalf of the respondent-State, with Mr. Gagan PS Bal, Advocate, appearing and accepting notice on behalf of respondent no. 2 (complainant).

Mr. Bal submits that other than the fact that there was a suicide note implicating the petitioner and all his co-accused, giving therein the reason for the suicide, to the effect that the deceased was being harassed by the accused (his brother) and humiliated, and therefore he was taking the extreme step, there was also a communication to the same effect, with the deceased also having told his family about the same.

Learned Additional Public Prosecutor, U.T., Chandigarh reiterates the same.

A perusal of the order passed by the learned Additional Sessions Judge, U.T. Chandigarh, dated 27.07.2022, shows that though the first report from the CFSL, Chandigarh, was inconclusive, inasmuch as no comparative evidence qua the Punjabi language written on the suicide note was available, however, the suicide note is to be sent again to the laboratory, upon obtaining relevant material.

Without making any comment on the actual merits of the case, looking at the fact that an identically placed co-accused has already been admitted to interim bail by this court, the petitioner is directed to join investigation within one week and in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court

Adjourned to 08.02.2023.

A gazetted officer is directed to file a reply to the petition stating therein as to whether the suicide note has been sent for forensic examination again or not; and if not the reasons thereof,

with the SSP, Chandigarh, also directed to go into matter.

Naturally, upon receipt of the CFSL report again, the matter would need to be considered afresh.

To be heard along with CRM-M-33581-2022.”

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 05.08.2022 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