

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

207

Criminal Misc. No. M-35364 of 2022

Date of decision :-20.07.2023

Mohammad Nadeem alias Nadeem Khan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ankit Joshi, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab assisted by
Inspector Jasveer Singh, SHO P.S. City-II, Malerkotla.

Mr. Manish Kumar Singla, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.115 dated 15.7.2022, under Section 306 IPC, registered at Police Station City-II, Malerkotla.

On 22.8.2022, this Court had passed the following order

:-

“Status report filed by the State in Court today is ordered to be taken on the record. A copy thereof has been supplied to learned counsel for the petitioner who prays for time to go through the same and then argue the matter.

Adjourned to 14.12.2022.

*Seeking ad interim anticipatory bail
learned counsel for the petitioner inter alia*

contends that the petitioner has been falsely implicated in this case only because his family rejected the marriage proposal sent by the deceased's family and that he refused to marry the deceased; he does not have any other criminal antecedents; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no case of abetment under Section 107 IPC towards the deceased's suicide is made out against the petitioner; no recovery is required to be effected from the petitioner and that he is also ready and willing to join and cooperate with the investigation.

After considering the above submissions, it is directed that till the adjourned date, the petitioner's arrest is stayed.

Before the adjourned date, the State shall produce the deceased's postmortem report as also report from the forensic laboratory.”

Learned counsel for the complainant submits that the petitioner and the deceased were in consensual relationship and when the complainant got pregnant, the petitioner refused to marry the deceased, as a result of which she committed suicide. He further submits that these are the facts on record, therefore, DNA report was sought in the matter whether the deceased was pregnant at the time of her death or not.

Learned State counsel, on instructions from Inspector Jasveer Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has not joined the investigation.

Learned counsel for the petitioner submits that not only has the petitioner joined the investigation, but he has also given the samples for conducting the DNA test.

In view of the above position, the order dated 22.8.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 20, 2023

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No