

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

206

CRM-M-33834-2023 (O&M)
Date of decision: 26.09.2023

Gagan Chadda @ Gagandeep Singh @ Gaggi

....Petitioner

Versus

State of Punjab

...Respondent

CRM-M-34208-2023 (O&M)

Rinku Kumar and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None

AMAN CHAUDHARY. J.

1. In view of the request letter circulated by Bar Association, the lawyers are abstaining from work.
2. This common order shall dispose of above-mentioned two petitions as they arise out of the same FIR.
3. On 02.08.2023, this Court had passed the following order:-

“The present petitions have been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case FIR No.107 dated 23.06.2023, registered under Section 306 IPC at Police Station Baghapurana, District Moga.

Learned counsel contend that the petitioners were not the creditors of the deceased-Gurpal Singh or his son Gajjan Singh and the allegation in the FIR was only to the effect that they were being harassed by the creditors. Petitioner Rinku Kumar and his wife are the Judgment Debtors as per the suicide note. There is neither a specific date nor time of allegations in the FIR as well as the suicide note of harassment being caused by the petitioners. The ingredients of Sections 107/306 IPC are not made out. They were not even the accused in the previous FIR that was also lodged under Section 306 IPC on account of alleged suicide committed by son of deceased Gurpal Singh. They are not involved in any other case and are ready and willing to join investigation as and when required by the

investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 09.08.2023. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 26.09.2023.

A photocopy of this order be placed on the file of connected case.”

4. ASI Harjinder Singh appears in person and submits that the petitioners have joined the investigation and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for any custodial interrogation.
5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petitions filed by the petitioners are allowed and the order dated 02.08.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.
6. However, it is made clear that if the petitioners fail to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.
7. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

September 26, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No