

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213

CRM-M-35293-2023 (O&M)

Date of Decision: 20.11.2023

Shiv Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Maninder Arora, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition 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, Punjab .

2. On 24.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail 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. Learned counsel for the petitioner would contend that the petitioner is alleged to have accompanied the main accused Sushil Kumar and that the allegations against the petitioner are the same as against the co-accused

Sushil Kumar, who has already been granted interim bail by this Court in CRM-M-32464-2023 vide order dated 17.07.2023. The learned counsel would further contend that the allegation against the petitioner is that he had contacted the fiancée of the girl and as per the FIR she is stated to have jumped into the canal and her belongings have been found on the side of the canal. However, the body is yet to be recovered.

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 20.11.2023.

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 pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Rakesh

Kumar, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 24.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called. 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.

20.11.2023*Deepak Patwal***(ALKA SARIN)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No