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

CRM-M-36309-2023

Date of decision: 12.09.2023

Ashwani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. H.P.S. Ishar, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

Mr. Viren Sibal, Advocate and

Mr. Satyam Sharda, Advocate and

Mr. Vrinda Pasricha, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.14 dated 29.01.2023 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Division No.1, District Police Commissionerate Jalandhar.

2. On 28.07.2023, this Court had passed the following order:-

“Inter alia contends that on 07.06.2022, Ex. MLA (Jalandhar North) had submitted representation to the Deputy Commissioner, Jalandhar for conducting investigation regarding the misutilisation of Government funds in the name of various societies and in the inquiry which was conducted in pursuance of the above complaint, various persons including the deceased Sh. Sushil Kalia and his son were found to have misappropriated the Government funds and two FIRs were registered in which the deceased

was named as an accused. It is further submitted that on account of the same, the deceased was under depression. It is contended that the alleged suicide note is undated and even as per the said suicide note, only allegations against the present petitioner is that the petitioner was given Rs.3 lacs by the deceased and neither any date of giving the same nor the mode as to how the same was given, has been mentioned in the suicide note. It is submitted that no overt act has been attributed to the petitioner so as to prima facie constitute an offence under Section 306 read with Section 107 IPC. It is also submitted that co-accused of the petitioner namely Jai Mohindru had approached this Court by way of filing a petition for grant of anticipatory bail bearing No.CRM-M-31371-2023 and a Coordinate Bench of this Court vide order dated 30.06.2023 was pleased to issue notice of motion and granted interim protection to said Jai Mohindru. It is contended that while granting regular bail to Raj Kumar Sharma, the Vacation Judge, Jalandhar, has taken note of the fact that the prosecution had not denied the fact that the deceased along with his son was booked for embezzling Government money of Rs.10 lacs.

*Learned counsel for the petitioner has further relied upon judgment passed by a Coordinate Bench of this Court in **State of Punjab Vs. Kamaljit Kaur @ Bholi and another reported as 2008(2) RCR (Criminal) 562** and the judgment passed by Hon'ble the Supreme Court in **Gangula Mohan Reddy Vs. State of Andhra Pradesh reported as 2010(1) SCC 750**, in support of his arguments.*

Notice of motion for 12.09.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner

shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard along with CRM-M-31371-2023.”

3. Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 28.07.2023, the petitioner has joined the investigation.

4. Learned counsel for the State, on instructions from SI Rakesh Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

5. Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.07.2023 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 28.07.2023 is ordered to be made absolute.

6. However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

12.09.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No