

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

207

CRM-M-44707-2022

Date of Decision: 29.05.2023

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Inderjit Sharma, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Rajwant Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of anticipatory bail in FIR No.0130 dated 23.07.2020 under Sections 313, 314 & 316 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Khilchian, District Amritsar (Rural).

2. On 07.12.2022, the following order was passed:-

“Learned counsel for the petitioner has reiterated his arguments that petitioner is the husband of deceased and when the wife suffered a complication in her pregnancy it was the petitioner who shifted her to hospital, however, due to the infection she could not survive. Counsel submits that there is no evidence as such regarding a foul play by the petitioner.

Learned State counsel has placed on record the status report. Same is taken on record. It has been disclosed in the report that the cause of death in this

case was declared to be septicemic shock as a result of complication of perforation of uterus and sigmoid colon which is sufficient in an ordinary course to cause death. State counsel on instructions from ASI Rajwinder Singh submits that as there was no order for joining investigation, petitioner could not join the same.

In view of the above position, order dated 27.9.2022 is modified to the extent of directing the petitioner to join the investigation.

Adjourned to 10.4.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- (iii) That the petitioner shall not leave India without prior permission of the court.”*

3. Status report by way of affidavit dated 29.05.2023 of

Harkrishan Singh, P.P.S., Deputy Superintendent of Police, Baba Bakala

Sahib, District Amritsar (Rural) filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State counsel, on instructions from ASI Rajwant Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

5. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 07.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

6. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

29.05.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*