

2023:PHHC:152687

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

221

**CRM-M No.42812 of 2023
Date of Decision : 30.11.2023**

Gurpreet Singh @ Gopi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.37 dated 12.06.2023 under Section 306 of the Indian Penal Code, 1860 (IPC) registered at Police Station Jhander, District Amritsar (Rural).

2. On 15.09.2023 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.37 dated 12.06.2023 under Section 306 of the Indian Penal Code, 1860 (IPC) registered at Police Station Jhander, District Amritsar (Rural).

Learned counsel for the petitioner would contend that even in the FIR the complainant has only expressed his suspicion that his wife was in a relationship with the petitioner, Amrit, Sehaj and Gori and she used to talk to them on the phone. It is further the allegation in the FIR that an audio recording was sent to the cousin of the complainant and it on coming to know of the audio clip being made viral that his wife committed suicide. The learned counsel would further contend that it is merely a suspicion which has been expressed in the FIR. There is nothing on record to even remotely connect him to the suicide. It is further the contention that the ingredients of Section 306 IPC are not made out in the present case.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab while Mr. Simranjit Singh, Advocate has put in appearance representing the complainant.

A status-report has been filed in Court by the learned counsel for the State. Let the same be scanned and tagged with the case file.

List on 06.12.2023.

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 states that the petitioner has since joined the investigation and fully cooperated.

4. Learned counsel for the State on instructions from ASI Nagwinder Singh has stated that the petitioner has since joined investigation and 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 15.09.2023 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.

30.11.2023
jk

**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO