

2023:PHHC:152688

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

221-1

**CRM-M No.48029 of 2023
Date of Decision : 30.11.2023**

Arshdeep Singh @ Gori and Another

....Petitioners

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 petitioners 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 22.09.2023 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 petitioners in FIR No.37 dated 12.06.2023 under Section 306 of the Indian Penal Code, 1860 registered at Police Station Jhander, District Amritsar (Rural).

Learned counsel for the petitioners would contend that even in the FIR the complainant has only expressed his suspicion that his wife was in a relationship with the petitioners, Sehaj and Gurpreet Singh @ Gopi, 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 on coming to know of the audio clip being made viral the wife of the complainant 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 the petitioners to the suicide. It is further the contention that the ingredients of Section 306 IPC are not made out in the present case. The learned counsel has further pointed out that a similarly placed co-accused has already been granted the concession of interim anticipatory bail by this court in CRM-M-42812-2023 vide order dated 15.09.2023.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Mr. Chanderhas Yadav, Advocate has put in appearance for the complainant and has filed his Vakalatnama.

List on 30.11.2023. To be heard along with CRM-M-42812- 2023.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioners 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 petitioners states that the petitioners have since joined the investigation and fully cooperated.

4. Learned counsel for the State on instructions from ASI Nagwinder Singh has stated that the petitioners have since joined investigation and fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 22.09.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners 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.

(ALKA SARIN)
JUDGE

30.11.2023
jk

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