

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

CRM-M-49818-2023

Date of decision : 01.12.2023

SURJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : None for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

KULDEEP TIWARI.J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.125 dated 03.09.2023 under Section 306 of IPC, registered at Police Station, Kit Ise Khan, District Moga.
2. On 03.10.2023, the following order was passed by the Co-ordinate Bench of this Court.

“The present petition has been filed under Section 438 Cr. P.C for grant of pre-arrest bail to the petitioner in case FIR No.125 dated 03.09.2023, registered under Section 306 IPC at Police Station Kot Ise Khan, District Moga.

Learned counsel contends that the petitioner is 84 years old, who had lent money to the deceased and a pronote was executed, which was not returned, however, the same was subject matter of civil suit that was filed on 17.05.2023 and cannot be said to have proximity to the alleged incident. Furthermore, there is a delay of 20 hours in lodging the FIR. The ingredients of Section 107/306 IPC are not made out. The petitioner is not involved in any other case and is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State.

Adjourned to 28.11.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 20.10.2023. In the event of his arrest, he shall be released on

interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

3. Today, the learned State counsel, on instructions imparted to him from ASI Gurmej Singh, submits that the in compliance with the above said order passed, the petitioner has joined the investigation and no recovery is to be effected from him. He further submits that the suicide note, which is alleged to be written by the deceased, has been sent to the Forensic Science Laboratory to ascertain its his authenticity.

4. Therefore, keeping in view the above said circumstances and also the fact that the petitioner has joined the investigation and nothing is to be recovered from him, the present petition is allowed and the interim order dated 03.10.2023 is hereby made absolute.

(KULDEEP TIWARI)
JUDGE

01.12.2023
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No