

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

212+1

CRM-M-52513-2022

Date of Decision: 12.04.2023

Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. P.S. Bhandari, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Harpal Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 15.11.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0132, dated 04.09.2022, under Sections 306, 34 IPC, registered at Police Station Shri Hargobindpur, District Batala.

It has been contended by counsel for the petitioner that petitioner solemnized the marriage with deceased Jasmine Kaur on 20.07.2022. He has submitted that the petitioner is a truck driver and the matrimonial life of both was peaceful. He submits that three days prior to the unfortunate incident the birthday of the deceased was celebrated and there was nothing to infer regarding the harassment etc. of the deceased. He has submitted that on the day of

occurrence the petitioner had gone to Jammu and Kashmir and he was in contact with his wife on phone. He has submitted that even if the allegations levelled in the FIR are taken into consideration, there was some argument going on between the deceased and her mother-in-law Sukhwinder Kaur. He has submitted that it could not be a quarrel but simple argument of the family dispute and the same would not amount instigation or abetment under Section 107 IPC. He has submitted that when the petitioner was away, the deceased committed suicide by consuming poison. He has submitted that in the facts and circumstances, offence under Sections 306 IPC and 107 IPC would not made out. He also submits that petitioner has no criminal antecedents and thus, he deserves to be granted the concession of anticipatory bail in the facts and circumstances of the case.

Issue notice of motion for 28.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

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.

State is directed to file status report on or before the next date of hearing.”

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

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 15.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

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.

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

12.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>