

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

CRM M-55745-2022 (O&M)
Date of Decision: 17.08.2023

Dalwinder Singh Sidhu and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab
assisted by SI Gulab Singh.

Mr. Sukhchain Singh Dhillon, Advocate for
Mr. J.S. Mundi, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioners in FIR No.222 dated 02.11.2022, under Section 306 IPC registered at Police Station Sadar Dhuri, District Sangrur.

2. Allegations against the petitioners (petitioner No.2 is sister-in-law of deceased & petitioner No.1 is husband of petitioner No.2) are that they abetted the son of complainant to commit suicide.

3. The Coordinate Bench of Court vide order dated 02.12.2022, granted interim bail to petitioners and the same reads as under:-

“Through the instant petition, the petitioners seek anticipatory bail in case bearing FIR No.222 dated 02.11.2022, registered under Section 306 IPC, at Police Station Sadar dhuri, District Sangrur.

Learned Senior counsel for the petitioners submits that marriage of Jagmeet Singh (since deceased) was solemnized with Jaspreet Kaur on 29.04.2018; that complainant in the present case is the mother of the deceased; that petitioner No.2 herein is sister of Jaspreet Kaur and petitioner No.1 is the husband of petitioner No.2 and that Jagmeet Singh committed suicide on 02.11.2022 by hanging himself. He further submits that Jagmeet Singh and Jaspreet Kaur went on a tourist visa to Australia and stayed there for about one and a half month and that Jagmeet Singh came back to India but due to Covid-19 lockdown, could not go back to Australia. Still further, it is submitted that the allegation against Jaspreet Kaur, who has been residing in Australia, is that she had transferred a sum of Rs.14,80,000/- in the account of her mother, who further transferred the same in the account of petitioner No.2.

Learned Senior counsel for the petitioners further submits that there is no allegation of abetment against the petitioners and that there is no assertion in the FIR that there was any conversation between the petitioners and the deceased, at any stage.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Jatinder Singh Mundi, Advocate appears and files power of attorney on behalf of the complainant. He submits that there is a suicide note written by the deceased. The same has been read over in Court.

The averments made in the suicide note are verbatim to that made in the FIR.

Adjourned to 27.03.2023.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

4. Learned counsel on instructions from petitioners submits that in pursuance of the aforesaid order, they joined investigation and their custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioners is not required at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated 02.12.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

17.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No