

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

204

CRM-M-55880-2022 (O&M)

Date of Decision: 07.12.2023

Lakhwinder Singh

..... Petitioner(s)

Versus

State of Punjab and Another

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. Dinesh Maurya, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. 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.241 dated 27.11.2021 under Section 306 of Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur.

2. On 02.12.2022, the following order was passed:-

“The petitioner has approached this Court praying for anticipatory bail in a case FIR No.241 dated 27.11.2021 under Section 306 IPC, registered at Police Station Bhawanigarh, District Sangrur.

It has been submitted by learned counsel for the petitioner that the petitioner before this Court is husband of the deceased. He submits that marriage took place about 11 years ago and there was no dispute

whatsoever between the husband and wife, however, unfortunately, the wife consumed poison on 26.11.2021 and committed suicide. He submits that there is no iota of evidence showing that the petitioner has abetted or instigated the suicide by the deceased. He submits that the couple was blessed with twins. He further submits that the co-accused i.e. the mother and father of the petitioner have already been granted interim bail by this Court. He submits that no offence under Section 306 IPC read with Section 107 IPC is made out against the petitioner. He submits that the petitioner has no criminal antecedents and ready to join the investigation. Notice of motion.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab, accepts notice on behalf of the State and Mr. Dinesh Maurya accepts notice on behalf of the complainant.

Learned counsel for the complainant has submitted that FIR has been lodged due misunderstanding between the parties and there is no dispute between both the families. In the meantime, 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.

Adjourned to 31.03.2023.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Davinder Dass has stated that the petitioner has since joined investigation and has 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 02.12.2022 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.

07.12.2023

Deepak Patwal

(ALKA SARIN)
JUDGE

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