

2023:PHHC:165859

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

**CRM-M-65345-2023
DECIDED ON: 27.12.2023**

BALVIR SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Bisman Mann, Advocate for
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.161, dated 02.11.2023 (Annexure P-1), under Sections 306, 506 and 34 of the Indian Penal Code, 1860 (hereinafter referred as 'IPC') registered at Police Station Dialpura, Bathinda.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case, as the deceased is stated to have died by consuming some poisonous substance alleging threats to be given by Balvir Singh (petitioner) and Bhagwant Singh but the reasons for the said threats have not come up in the version of FIR, therefore, these allegations are totally vague. She further contends that there is no categoric motive coming out from the contents of FIR, as to why such threats were advanced and above all it is the version of prosecution story itself so far investigated that the deceased has not come up face to face, even during those threats or even thereafter. He was found in sub-conscious

condition and was breathing near the water pump room under a tree in the fields of Gurpreet Singh.

3. In the light of such assertions offences under Sections 306, 506 and 34 IPC are not made and thus, she prays for grant of anticipatory bail to the petitioner.

4. Notice of motion.

5. On the asking of Court, Mr. M.S. Tiwana, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. He, on instructions from ASI Paramjit Singh, No. 1362 submits that during the course of investigation a small bottle of pesticide i.e. Signor, which is used for spray on cotton crop to protect it from insecticides, was recovered. There is no cogent material placed on record to connect the petitioner with the commissioning of offence directly or indirectly except the narrated version in the FIR.

6. Be that as it may, this Court is of the firm view that the allegations made in the FIR are totally vague, as no specific or categorical assertion is coming forth against the petitioner, which could invite attraction of Sections 306, 506 and 34 IPC and therefore, the instant petition deserves to be allowed. This Court is also of the considerate view that no useful purpose would be served by keeping the petition pending only for the purpose of ensuring the presence of the petitioner to associate himself in the investigation. Though custodial interrogation of the petitioner is admittedly not required at this stage.

7. Hence, the present petition is disposed of with a direction to the petitioner to join the investigation, subject to his furnishing personal/security bonds to the satisfaction of Arresting Officer/Investigating Officer. He shall join the investigation on 30.12.2023 at 10.00 AM with the Investigating Officer (ASI Paramjit Singh, No. 1362) at Police Station Dialpura, District Bathinda. However, it is made clear that in case the petitioner fails to join the investigation on the date and

time given by this Court, respondent-State is at liberty to file an appropriate application for cancellation of anticipatory bail granted by this Court vide even order. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. Ordered accordingly.

27.12.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

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