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                                 **CHANDIGARH**

**CRM M-46-2024 (O&M)**  
**Date of Decision: 06.02.2024**

Gurdarshan Singh ..... Petitioner

## Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Gopal Singh Nahel, Advocate,  
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab  
assisted by SI Balwinder Singh.

Ms. Deepa Negi, Advocate for  
Mr. S.S. Swaich, 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 petitioner in FIR No.88 dated 13.12.2023 registered under Section 306 read with Section 34 IPC at Police Station, Mulepur, District Fatehgarh Sahib.

2. Allegations are that on 09.12.2023, Sukhwinderpal Singh husband of complainant Harchain Kaur committed suicide on the instigation of petitioner as well as co-accused-Gurinder Singh Dhindsa.

3. A Coordinate Bench of this Court vide order dated 05.01.2024, granted interim bail to petitioner and the same reads as under:-

*“Apprehending his arrest in FIR No. 88 dated 13.12.2023 registered for offences punishable under Sections 306 and 34 IPC at Police Station Mulepur, District Fatehgarh Sahib; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.*

*Inter alia contends that the petitioner has been suspended from service and is assigned to the Police Lines, Patiala and, therefore, he is not in a position to influence the investigation; the suicide note in question is yet to be sent to the FSL to assess its veracity; the petitioner is willing to join investigation as also cooperate therein & there is no chance of his absconding from the process of justice.*

*Notice of motion.*

*On asking of the Court, Mr. Shubham Kaushik, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.*

*Mr. Surjit Singh Swaich, Advocate appears and files vakalatnama on behalf of complainant. The same is taken on record.*

*Adjourned to 06.02.2024.*

*The petitioner is directed to appear before the Investigating Officer on 08.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”*

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.

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 petitioner 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. In view of above, interim order dated 05.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner 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.

06.02.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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