

300-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5758-2024 (O&M)
Date of Decision: 14.03.2024

Balbir Singh	.. Petitioner
Vs.	
State of Punjab	..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Bajaj, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 128 dated 05.12.2023 registered for offences punishable under Sections 306 and 120-B IPC (Section 306 IPC has been deleted and Section 304-B IPC has been added later on) at Police Station Shimlapuri, District Ludhiana.

2. On 05.02.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 128 dated 05.12.2023 registered for offences punishable under Sections 306,120-B IPC at Police Station Shimlapuri, District Ludhiana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that no specific and clear allegation has been made against the petitioner (who is father-in-law of the deceased) so as to invoke the offence of Section 306 IPC against him; petitioner has clean antecedents; no recovery is to be effected from the petitioner & the petitioner is willing to join investigation and cooperate therein. Learned counsel for the petitioner, in order to buttress his arguments has, relied upon the judgment by the Hon’ble Supreme Court rendered in ‘Mohit Singhal & Anr. Versus The State of Uttarakhand & Ors.’ Criminal Appeal No. 3578 of 2023.

Notice of motion.

*On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.
Adjourned to 13.03.2024.*

The petitioner is directed to appear before the Investigating Officer on 08.02.2024 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.”

3. Learned State counsel, on instructions from HC Mohan Singh, has stated that pursuant to the order dated 05.02.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the petition is allowed and interim order dated 05.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

14.03.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No