

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-10240-2024 (O&M)

Date of Decision:05.04.2024

RAM NIWAS

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bhupender Singh Advocate
for the petitioner.

Mr. Randhir Singh, Additional AG, Haryana.

Mr. Rishabh Gupta, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 27.02.2024, following order was passed:

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.976 dated 19.11.2023 registered under Section 306 IPC at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner, inter alia, contends that in the suicide note, around 20 persons have been named, however, no specific instance has been alleged against the petitioner to prove the ingredients of Section 107 IPC for making the petitioner liable for offence under Section 306 IPC.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

At this stage, Mr. Rishabh Gupta, Advocate has put in appearance on behalf of the complainant and files his vakalatnama, which is taken on record. He opposes grant of anticipatory bail to the petitioner on the ground that name of the petitioner is specifically named in the suicide note by the deceased.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 06.03.2024 and on his doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.04.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

Today learned State counsel, on instructions submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but

without commenting anything further on the merits of the case order dated 27.02.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

05.04.2024

(DEEPAK GUPTA)
JUDGE

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Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No