

CRM-M-16688-2024
Date of decision: 03.05.2024

....Petitioners

...Respondent

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioners (through V.C.).

HARPREET SINGH BRAR, J. (ORAL)

On 05.04.2024, the following order was passed:-

‘The instant petition is preferred under Section 438 of Code of Criminal Code, 1973, seeking anticipatory bail in FIR No.79 dated 28.05.2022 under Sections 306/34 of IPC registered at Police Station Makhu, District Ferozepur.

Learned counsel for the petitioner inter alia contends that the the deceased was married to petitioner No.1- Lakhvir Singh 21 years ago and she was having a happy marital life and there was no specific instance of instigation to satisfy the ingredients of Section 107 of IPC to make the petitioner liable for the offence under Section 306 of IPC.

Notice of motion for 03.05.2024.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the ratio of law enunciated by 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**, the petitioners are directed to appear before Investigation Officer within two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer and the petitioners shall co-operate with the Investigating Officer.*

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

Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.'

Learned State counsel on instructions from ASI Lakhwinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 05.04.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.05.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No