

CRM-M-29006-2024
Date of decision: 05.07.2024

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Inderjeet Singh Brar, Advocate for
Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.64 dated 17.05.2024 registered under Sections 306/34 of IPC at Police Station Sadar Faridkot, District Faridkot, Punjab (Annexure P-1).

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.64 dated 17.05.2024 (Annexure P-1) under Section 306/34 of IPC registered at Police Station Sadar Faridkot, District Faridkot, Punjab.

Learned counsel for the petitioner inter alia contends that the petitioner is the father-in-law of the sister of the complainant and there is no specific instance reported in the FIR (supra) with regard to any instigation within the meaning of Section 107 of IPC against the petitioner to make him liable for an offence under Section 306 IPC. The marriage between the son of the petitioner and sister of the complainant was 15 years old happy marriage and she was suffering from depression on account of her brother's death.

Notice of motion.

*Mr. Sandeep Kumar, DAG, Punjab, who is present in Court,
accepts notice on behalf of the respondent-State.*

*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, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the 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/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.07.2024.

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.”

4. Learned State counsel, on instructions from ASI Sikander Singh, submits that in compliance of order dated 31.05.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
5. Keeping in view the statement made by learned State Counsel the order dated 31.05.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
6. The petition is accordingly disposed of.
7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

July 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No