



212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-29432-2024
Date of decision: 24th July, 2024
Sadhu Singh @ Sadhu Singh Driver

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Sidhu, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 25 dated 19.05.2024 registered under Sections 306/34 of IPC, 1860 at Police Station Phool, District Bathinda (Punjab).

2. Vide order dated 05.06.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 05.06.2024 passed by this Court reads as under:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.0025, dated 19.05.2024, under Sections 306/34 of IPC, registered at Police Station Phool, District Bathinda(Punjab).

Learned counsel for the petitioner after through the contents of the FIR submits that apart from the bald allegation that the deceased had taken a loan of Rs.10/15 thousand that is too 20/25 years ago and despite the repayment of the loan amount, the filled pronote had not been returned for which civil proceedings were also carried out. What has been highlighted is that on the day of occurrence i.e. 17.05.2024, it was not the petitioner who was present and had visited the house of the deceased and, therefore, there was no sudden provocation by the petitioner. More so,



counsel for the petitioner submits that the civil suit was decreed in his favour, however, the execution thereof was withdrawn by the petitioner on 09.02.2024 i.e. three months before the date of occurrence and, therefore, the petitioner could not said to be involved in the commission of offence, hence ingredients of Section 306 of IPC are per se not made out against the present petitioner.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Without commenting on the merits of the case, the petitioner is directed to join investigation on 14.06.2024 at 10:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter. In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Adjourned to 24.07.2024. However, it is made clear that this order shall not be construed as parity qua any other co-accused. ”

3. Learned State counsel on instructions states that the petitioner has joined the investigation on 14.06.2024 and he is not required for custodial interrogation.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 05.06.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

24th July, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |