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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : August 12, 2024

RAHUL VERMA AND ANOTHER

-PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Alankar Narula, Advocate
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Arpandeeep Narula, Advocate
for the complainant/respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. On 27.06.2024, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“Apprehending their arrest in FIR No.187 dated 04.06.2024 registered for offences punishable under Sections 306 and 120-B of IPC at Police Station City Kharar, District SAS Nagar, Punjab; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the offence of Section 306 of IPC is not made out from the factual matrix of the lis; relies upon the dicta of judgment passed by this Court on 07.10.2023 in 'Sharanjit Singh Vs. State of Punjab' (CRR-3672-2018) as also of 'Mohit Singhal Vs. State of Uttarakhand' (Criminal Appeal No.3578-2023) passed by Hon'ble Supreme Court on 01.12.2023 & petitioners are willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG,

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Punjab, appears and accepts notice on behalf of the respondent-State. Mr. Arpandeep Narula, Advocate appears and files vakalatnama on behalf of the complainant. The same is taken on record.

Adjourned to 15.07.2024.

The petitioners are directed to appear before the Investigating Officer on 01.07.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioners had joined investigation and they are no longer required for custodial interrogation.

3. On the other hand, the learned counsel for the complainant/respondent No.2 has filed reply to the instant petition, which is taken on record. Copy of the reply is also supplied to the learned counsel for the petitioners, and, to the learned State counsel.

4. The learned counsel for the complainant/respondent No.2 has vociferously opposed the grant of anticipatory bail to the petitioner, on the ground that, immediately prior to the commission of suicide, the deceased had uploaded post(s) on a social media platform (Instagram), wherein, he affixed the photographs of all the three accused (including petitioners) and held them responsible for his suicide.

5. This Court has examined the material (supra) alleged to be uploaded by the deceased on social media platform and is of the opinion



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that “whether the facts and circumstances of the present case, coupled with allegations, fulfill the ingredients of offence under Section 306 of the IPC or not” is a moot question, which requires its becoming adjudicated by the learned trial Court concerned, after adduction of evidence.

6. In view of the above, especially the specific stand of the prosecution that they do not require custodial interrogation of the petitioners, the hereinabove extracted interim order dated 27.06.2024, as made by a Co-ordinate Bench of this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioners shall not commit an offence similar to the present offence;

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

7. This order should not be treated as “blanket” order. It will not be read granting petitioners 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.

8. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

August 12, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No