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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32502-2024 (O&M)
Date of decision: 09.08.2024

Kamaljeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. T.S. Grewal, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail in FIR No.180 dated 25.05.2024 under Sections 306, 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 304-B of IPC (added later on), registered at Police Station City Kharar, District SAS Nagar.
2. On 11.07.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the

2024:PHHC:102714



Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail in FIR No.180 dated 25.05.2024 under Sections 306, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Kharar, District SAS Nagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. He is step brother of husband of the deceased and is living separately and has no concern with the matrimonial life of the deceased.

Notice of motion for 09.08.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the



investigation, in terms of the order of this Court.

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

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

4. In view of the statement of learned State counsel, order dated 11.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

09.08.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No