



204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33126-2024

Date of decision: 14.08.2024

Devender Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Toor, Advocate and
Mr. Adhiraj Toor, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.060 dated 01.05.2024 (Annexure P-1) under Sections 302/309/109/328/498-A/120-B/201 of IPC registered at Police Station City Kanina, District Mahendergarh.

On 15.07.2024 the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail in FIR No.060 dated 01.05.2024 under Sections 302, 309, 109, 328, 498-A, 120-B/201 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Kanina, District Mahendergarh.

Learned counsel for the petitioner, inter alia, contends that the petitioner is brother-in-law of daughter of the complainant and he has no concern whatsoever with marital discord between daughter of the complainant and her husband. The petitioner was serving in Indian Airforce as Airman till 30.06.2023 and thereafter, he joined GAIL Gas Ltd. on 18.08.2023 and there is no allegation against him, except that in the DNA report, his name has been mentioned as father of deceased Arnav. The main accused Kanika has suffered statement under Section 164 Cr.P.C., in which she admitted that she has poisoned her deceased son Arnav.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Ms. Rashika Bansal, Advocate accepts notice on behalf of the complainant and files Power of Attorney, which is taken on record.

Learned counsel for the complainant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the anticipatory bail of the petitioner was dismissed by learned Additional Sessions Judge, Narnaul on the ground that DNA report is to be recovered. The DNA report is in possession of co-accused Tejpal or the investigating agency and the same can also be procured from the concerned laboratory.

Adjourned to 14.08.2024.

*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.'

Learned State counsel on instructions from Inspector Rattan, 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 15.07.2024 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

14.08.2024
Neha

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