



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-33438-2024

Date of Decision : September 06, 2024

RAKESH KUMAR ALIAS BUDHU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.P.S.Ghuman, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr. Didar Singh, Advocate for
Mr. S.S.Rangi, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 16.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.26 dated 31.03.2024, under Section 306 of the IPC, registered at P.S. Bassi Pathana, District Fatehgarh Sahib.

2. The record reveals that, the backbone for registration of the present FIR is constituted by the suicide of one Randhir Singh @ Rony (since deceased/hereinafter referred to as ‘deceased’). Prior to committing suicide, the deceased made a phone call to his friend Kamal Krishan, thus alleging that, since Babbu wife of Budhu, her daughter, two brothers of Babbu, her mother and her husband from Gobindgarh had beaten him and also threatened to implicate him in some false case, therefore, he is committing suicide by jumping into canal. Thereafter,



CRM-M-33438-2024

-2-

the complainant Jaswant Singh (brother of the deceased) reached near the canal and found slippers of the deceased on the pavement of Burji No.118, Bhakhra Canal, near Village Khalaspur.

3. The prime argument of the learned counsel for the petitioner is that, since petitioner's co-accused Baldev Kaur, Gurlal Singh, Avtar Singh and Satkarjit Kaur, who are on a co-equal pedestal as him, have already been granted the concession of anticipatory bail by this Court, vide separate orders dated 09.07.2024, drawn respectively upon CRM-M-22402-2024, CRM-M-25077-2024 and CRM-M-29707-2024, therefore, the petitioner also deserves an alike treatment.

4. Apart from the above argument, the learned counsel for the petitioner also reiterates the arguments, as addressed in the case of petitioner's co-accused (supra), which are not reproduced here for the sake of brevity.

5. Notice of motion for 13.08.2024.

6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

2. Since the petitioner failed to join investigation pursuant to order dated 16.7.2024 (supra), this Court again vide order dated 13.8.2024 again directed the petitioner to re-join investigation, subject to costs of Rs.10,000/- to be deposited with the District Legal Services Authority concerned.

3. The learned counsel for the petitioner has placed on record the copy of receipt regarding payment of costs of Rs.10,000/- deposited with the



CRM-M-33438-2024

-3-

District Legal Services Authority concerned, pursuance to order dated 13.8.2024 (supra).

4. 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 petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

5. In view of the above, the hereinabove extracted interim order dated 16.7.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

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

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

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

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

September 06, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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