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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35026-2024

Date of decision: 22.08.2024

Manjeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Randhawa, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.78 dated 23.06.2024 under Sections 498-A/304-B of IPC registered at Police Station Sri Anandpur Sahib District Rupnagar (Annexure P-1).

On 24.07.2024, the following order was passed:-

'The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.78 dated 23.06.2024 under Sections 498-A/304-B of IPC registered at Police Station Sri Anandpur Sahib District Rupnagar (Annexure P-1).

'Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case only for the reason that he is the younger brother of the husband of the deceased. Even in the FIR, no specific role has been attributed or no allegation has been levelled against the petitioner. He further submits that there is a delay of 09 days in the registration of the FIR. Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the***

petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 22.08.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

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

Mr. Sunny K. Singla, Advocate puts in appearance on behalf of the complainant and vehemently opposes the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the petitioner.

In view of the statement of learned State counsel, order dated 24.07.2024 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

22.08.2024
Neha

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