



CRM-M-37918-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(279)

CRM-M-37918-2024
Date of Decision : 22.10.2024

Palwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. B.S. Toor, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. This Court, on dated 13.08.2024, 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.144 dated 16.09.2015, under Sections 306, 34 of the IPC, registered at P.S. Dakha, District Ludhiana.*
- 2. In compliance of the directions issued by this Court on 06.08.2024, today the learned State counsel has filed a status report, on affidavit of Jatinder Pal Singh, PPS, DSP, Dakha, District Ludhiana (Rural), which is taken on record.*
- 3. A perusal of the status report makes revelations that, earlier cancellation reports have twice been presented by the investigating agency before the learned Illaqa Magistrate concerned, however, both times the same were*



not accepted, rather directions were issued for conducting further investigation. Accordingly, now during the course of further investigation, when the complainant joined the investigation, she handed over a suicide note, purported to have been written by her deceased husband Sadhu Singh.

4. The learned counsel for the petitioner submits that the contents of the present FIR do not constitute the ingredients of offence under Section 306 of the IPC. Moreover, the production of suicide note (supra) by the complainant, now after an enormous and inordinate delay of approx. 08/09 years since the registration of the present FIR, renders the said suicide note to be surrounded by clouds of suspicion, especially when the veracity thereof is yet to be established by the prosecution.

5. The learned State counsel, on instructions imparted to him by the official concerned, informs this Court that the complainant has handed over only a photocopy of the suicide note and the original thereof has not yet been supplied.

6. In view of the above facts and circumstances, this Court deems it appropriate to grant the asked for relief to the petitioner.

7. Therefore, 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.

8. List this matter on 22.10.2024.”

2. Today, the learned State counsel on instructions imparted to him by ASI Atma Singh, 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.

3. In view of the above, the hereinabove extracted interim order dated 13.08.2024, 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.”

4. 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.

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

(KULDEEP TIWARI)
JUDGE

October 22, 2024
Manpreet

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