

201 (2nd case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.43368 of 2023 (O&M)

Date of decision : 05.01.2024

Lovepreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kamal Jindal, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG, Punjab for the respondent.

Mr. Vishal Tartyal, Advocate for
Mr. P.P.S.Brar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.88 dated 20.07.2023 (P-1), under Section 306 of the Indian Penal Code, 1860, registered at Police Station, Kotbhai, District Shri Muktsar Sahib.

(2) Above FIR was registered on the basis of complaint made by Rani Kaur, with the allegations that petitioner along with co-accused was threatening and forcing the deceased-Jaspal Singh to compromise a case bearing FIR No.94 dated 11.07.2023 (P-2), under Sections 323, 324, 451, 427, 148 read with Section 149, IPC, registered at Police Station, Jaito, District Faridkot and due to which, he committed suicide.

(3) The Coordinate Bench, on 12.10.2023, granted interim bail to petitioner and co-accused Sukhpreet Kaur (petitioner in CRM-M-39148-2023) and the same reads as under:-

“Separate status reports by way of an affidavits of Deputy Superintendent of Police, Sub-Division, Gidderbaha, District Sri Muktsar Sahib have been filed on behalf of State-respondent in both the cases, which are taken on record.

Counsel for the petitioners has placed reliance upon order passed on even date in CRM-M-43245-2023, whereby co-accused, Karamjit Kaur, has been released on regular bail.

List on 05.01.2024.

Petitioners are directed to join the investigation on 26.10.2023 at 10:00 A.M. at Police Station Kotbhai, District Shri Muktsar Sahib and cooperate with the Investigating Agency. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Photocopy of this order be placed on the file of connected case.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from A.S.I. Gurmeet Singh, duly acknowledged the above factual position and submitted that petitioner has joined investigation and his custodial interrogation is not required at this stage.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State Counsel is

not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.

(7) In view of above, interim order dated 12.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(10) Disposed off accordingly.

(11) Pending application(s), if any, shall also stand disposed off.

5th January, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes