

213 (1st case)

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

**CRM-M-47579-2023 (O&M)
Date of decision : 05.02.2024**

Rajwant Singh Bala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Simrat Kaur, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab for the respondent.

Mr. Inderjeet Singh Brar, Advocate for
Mr. Manpreet Singh Dhaliwal, 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.0070 dated 03.09.2023, under Section 306 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station, City Morinda, District Rupnagar.

(2) Above FIR was registered on the basis of statement made by complainant-Harpreet Kaur with the allegations that petitioner along with

other co-accused abetted her deceased father-Tarlochan Singh to commit suicide.

(3) This Court, while issuing notice of motion on 21.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that petitioner is aged about 68 years and there is no allegation that he has abetted or instigated the deceased to commit suicide.

Notice of motion for 08.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

At this stage, Mr. Vijay Rana, Advocate, appears on behalf of the complainant and seeks time to file a short affidavit in the matter.”

(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. Buta Singh, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since State is not seeking any

custodial interrogation of the petitioner, therefore, the objection raised by learned Counsel for the complainant is rejected.

(7) In view of above, interim order dated 21.09.2023 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) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(11) Disposed off accordingly.

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

5th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No