

206 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-48914-2023 (O&M)
Date of Decision: 25.04.2024

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishavjeet Singh Rishi, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr. Abhishek Kaushik, Advocate for
Mr. Munish Jolly, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C") for seeking pre-arrest bail in FIR No.89 dated 30.08.2023 registered under Sections 306 & 506, at Police Station, Sudhar, District Ludhiana Rural.

2. Allegations are that son of complainant, namely, Gagandeep Singh committed suicide on instigation by petitioner and other co-accused.

3. Learned counsel contends that from the bare perusal of FIR, instigation given by petitioner is not discernible. Also contends that petitioner was granted interim bail vide order dated 04.01.2024 and in pursuance of that, he has joined investigation; thus, his custodial interrogation is not required.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

5. Heard learned counsel for the parties and perused the paper-book.
6. This Court vide order dated 04.01.2024, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for petitioner contends that it is nowhere alleged by the prosecution that deceased had no option, except to commit suicide; thus, prima-facie, offence under Section 306 IPC is not made out.

Learned State counsel seeks more time for compliance of order dated 29.11.2023.

Posted for 11.03.2024.

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 the Code of Criminal Procedure, 1973.”

7. In pursuance of the aforesaid order, petitioner has joined investigation. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. As a result thereof, the interim order dated 04.01.2024 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 be not 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 criminal misc. application(s), if any, shall also stand disposed off.

25.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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