

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-50491-2023

Date of Decision: 05.03.2024

Prince Rana

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. S.S. Chahal, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 114 dated 22.07.2021 (Annexure P-9) registered under Section 306 IPC at Police Station Garhshankar, District Hoshiarpur.

On 06.10.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No. 114 dated 22.07.2021 under Section 306 IPC registered at Police Station Garhshankar, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased in the year 2009 and two sons have been born from the wedlock. The petitioner was gainfully employed in Spain and his wife i.e. the deceased alongwith the children was separately residing even from the parental family of the petitioner at his native place. The petitioner had been regularly sending money to the deceased and her father at the asking of the deceased. The FIR was registered on

22.07.2021 at the instance of father of the deceased alleging that the deceased had committed suicide by hanging herself. The allegations were to the effect that the deceased had committed suicide on the instigation of parents, sisters and brothers-in-law of the petitioner. The co-accused have been granted anticipatory bail by the Coordinate Bench of this Court. Furthermore, the name of the petitioner was not specifically mentioned as an accused in the FIR. His name has been added as an accused subsequently vide entry in GD No. 28 dated 25.07.2021, Annexure P-12. The petitioner had suffered fall from the 8th floor, while working in a building under construction in Spain and had suffered multiple injuries. After recovering, the petitioner has returned back to India on 29.08.2023. The deceased had also sent a CD containing audio recording, wherein, she has not imputed any specific allegation against the petitioner

3. Notice of motion.

4. Mr. Digvijay Nagpal, AAG, Punjab, accepts notice on behalf of the respondent-State and submits that there are categoric allegations by the deceased in the suicide note to the effect that her husband and her in-laws family members are responsible for her death. However, it has not been specified as to which particular allegation has been levelled against the petitioner by the deceased in the suicide note.

5. Adjourned to 18.12.2023.

6. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner submits that in compliance of the order dated 06.10.2023 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation on 09.10.2023, as is evident from para No. 07 of the short reply dated 18.12.2023, filed by way of affidavit of Sh. Daljit Singh, Deputy Superintendent of Police, Sub-Division, Garhshankar, District Hoshiarpur, on behalf of respondent-State.

Learned State counsel, on instructions from ASI Mahinder Pal, states that in terms of the order passed by a co-ordinate Bench of this

Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 06.10.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

05.03.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No