

Sr. No.210(02)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55840-2023
Date of decision: 14th March, 2024

NIRVAIR SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Chanota, Advocate for
Ms. Ruby Kaur, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G.,Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.97 dated 07.09.2023, under Section 306 IPC, 1860, registered at Police Station Hariana, District Hoshiarpur (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was granted interim bail as per the order dated 06.11.2023, passed by the Coordinate Bench of this Court. The relevant portion of the said order reads as under:-

“xxx xxx xxx xxx

Learned counsel for the petitioner, inter-alia, contends that the petitioner had earlier been residing in Italy and he had leased out his agricultural land to the mother of the complainant named Charanjit Kaur (since deceased), for tilling the same during his absence and after his return from abroad, he served a legal notice to the deceased and some of her family members as she (deceased) had not been paying the lease amount regularly and thus, he had merely resorted to the legal remedy available to him in the afore-mentioned eventuality and he had never ever harassed the deceased so as to constrain her to take the extreme step of ending her life and moreover, the petitioner is ready and willing to join the

investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 25.01.2024.

Meanwhile, the petitioner shall join in the investigation on 21.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 06.11.2023, passed by the Coordinate Bench of this Court.

4. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Bhushan Singh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 06.11.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 06.11.2023, passed by the Coordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

14th March, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>