

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-58506-2023

Date of Decision: 20.03.2024

Rupender

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ajay Kadyan, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

Mr. Rajat Sehokand, Advocate for the complainant.

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. 288 dated 12.10.2023 (Annexure P-1) registered under Section 306 read with Section 34 IPC at Police Station Uchana.

On 06.12.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.288 dated 12.10.2023 under Sections 306 and 34 of the Indian Penal Code, 1860, registered at Police Station Uchana.

Learned counsel for the petitioner would contend that in the FIR general and vague allegations have been made qua the petitioner. There is no allegation of any immediate

*instigation on the part of the petitioner which would attract the offence of Section 306 IPC. Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in the case of **Mohit Singhai & Anr. Vs. The State of Uttarakhand & Ors. [Criminal Appeal No.3578 of 2023 decided on 01.12.2023]** to contend that instigation must be in close proximity to the act of committing suicide. It is further the contention of the learned counsel that in the present case there is no such allegation.*

Notice of motion.

On the asking of the Court, Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the State. Mr. Rajat Sheokand, Advocate has put in appearance on behalf of the complainant. Learned counsel for the State has filed status report by way of affidavit of Amit Bhatia, Deputy Superintendent of Police, Narwana, District Jind which is taken on record. Registry to scan the same and tag at the appropriate place.

List on 07.03.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner submits that in compliance of the order dated 06.12.2023 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.

On instructions from ASI Rajender, learned State counsel submits 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 06.12.2023 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.

20.03.2024

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(NIDHI GUPTA)
JUDGE

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