

CRM-M-62403-2023
Date of decision: 19.01.2024

Asa Singh	Petitioner
Versus	
State of Punjab	...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Simranjit Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.117 dated 07.11.2023 (Annexure P-1) under Section 306 of IPC registered at Police Station City-2, Abohar, District Fazilka.

On 12.12.2023, the following order was passed:-

‘The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C.) for grant of anticipatory bail to the petitioner in FIR No. 117 dated 07.11.2023 registered under Sections 306 IPC at Police Station City-2, Abohar, District Fazilka.

Learned counsel for the petitioner, inter alia, contends that the petitioner is father-in-law of the deceased, aged 73 years. The present FIR was lodged after a delay of 17/18 months from the date of death of son of the complainant on 07.05.2022. The postmortem report indicates that the deceased had died due to heart attack, as such there is nothing on record to remotely suggest that

offence under Section 306 IPC is made out.

Notice of motion.'

On the asking of the Court, Ms. Navreet K. Barnala, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the **Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 22.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 19.01.2024.

To be heard alongwith CRM-M-60613-2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

Learned State counsel on instructions from ASI Balwinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 12.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438 (2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.01.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No