

212(2) IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**CRM M-64795-2023 (O&M)**  
**Date of Decision: 20.03.2024**

Narender Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Taanvi Dhull, Advocate,  
for the petitioner.

Mr.Kiran Pal Singh, Haryana.

Mr. Kapil Aggarwal, 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.721 dated 08.12.2023 registered under Section 306 read with Section 34 IPC at Police Station, Civil Lines, Hisar.

2. Allegations are that brother of complainant, namely, Satyavan committed suicide on the instigation of petitioner.

3. A Coordinate Bench of this Court vide order dated 22.12.2023, granted interim bail to petitioner and the same reads as under:-

*“Apprehending his arrest in FIR No.721 dated 08.12.2023, registered for offences punishable under Sections 306 and 34 of IPC at Police Station Civil Lines, Hisar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.*

*Counsel for the petitioner inter alia submits that the allegations in the FIR even if taken on their face value would not constitute abetment as enumerated under 107 of Penal Code to constitute offence punishable under Section 306 of IPC.*

*Notice of motion for 21.02.2024.*

*Mr. Gaurav Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State.*

*In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.*

*To be heard alongwith CRM-M-64369-2023.”*

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.

5. 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.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation; nor any recovery is to be effected from the petitioner; therefore, the objection of complainant stands rejected. As a result thereof, the interim order dated 22.12.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. 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.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.03.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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