

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No. M-12189 of 2015 (O&M)

Date of Decision: 07.07.2015.

Mithan Lal & others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Parvesh Sachdeva, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioners in case FIR No.34 dated 04.04.2015, under Sections 306/34 IPC, registered at Police Station City Fazilka, District Fazilka.

On 16.04.2015, while issuing notice of motion, the following order was passed by this Court:

“The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioners in case FIR No. 34 dated 04.04.2015, under Sections 306, 34 IPC, registered at Police Station City Fazilka, District Fazilka.

Counsel would advert to the FIR in terms of which, the allegations are of the deceased, namely, Sneh Lata being under tension on account of a suit for specific performance having been instituted by petitioner No. 1, namely, Mithan Lal and she as such having consigned herself to flames. Argument raised is that pursuing a legal remedy at the hands of the

petitioners cannot possibly fall within the mischief of abetment to suicide for offence under Section 306 IPC.

Notice of motion, returnable for 7.7.2015.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Mukhtiar Singh would apprise the Court that the petitioners have since joined investigation. That apart, observations contained in the notice of motion order have gone un rebutted.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Accordingly, petition is allowed. Order dated 16.04.2015 is made absolute.

Disposed of.

07.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**