

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

Criminal Misc. M- No. 44505 of 2014 (O&M)

Date of decision : 27.02.2015

Shivali Modeel @ Shivali Lokhnotra

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab

LISA GILL, J.

The petitioner prays for anticipatory bail in FIR No. 198 dated 22.10.2014 registered under Sections 306/120-B IPC at Police Station Sultanpur, District Kapurthala.

Petitioner is the wife of deceased Rahul Lakhnotra. It is submitted that the petitioner is sought to be implicated falsely in this case. There is delay of about one year and eight months in the lodging of this FIR. The deceased had been working with the railway authorities and an application had been submitted by father of the deceased in February, 2013 with a request not to release the benefits to the petitioner. It is submitted that this application was moved with a view to create hurdles in the appointment of the petitioner on compassionate appointment.

It is contended that on the spot no suicide note was found. It is after about one month of the death that some plain white papers were found wherein impressions of alleged writing of the deceased was found. As per FSL report, it is not legible as to what is written on the paper but still it is stated that said impressions match with the standard signatures of the deceased. The allegations in the FIR do not disclose the offence under Section 306 IPC qua the petitioner. There is no evidence to connect the petitioner with alleged offence, thus, no useful purpose shall be served by taking her in custody.

The petitioner has joined investigation pursuant to order dated 29.12.2014 of this Court and undertakes to join investigation as and when required.

Learned counsel for the State, on instructions from ASI Lakhwinder Singh, submits that the petitioner has indeed joined investigation. Her custodial interrogation is not required. No recovery is to be effected from her. There is no other case against the petitioner. Learned counsel for the State is unable to deny that as per the FSL report, the impressions on the plain white sheets are not legible.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances but without expressing any opinion on the merits of the controversy, it is

considered just and expedient to allow this petition. Order dated
29.12.2014 is made absolute.

February 27, 2015
rts

(LISA GILL)
JUDGE