

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

Date of decision:06/05/2016.

Malkeet Kaur

.....Petitioner

vs

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Mandeep Singh Sachdev,Advocate for the petitioner.

Mr.Kirat Singh Sidhu,DAG Punjab assisted by
Mr.ASI Narinder Singh

Mr.Jagjit Singh,Advocate for the complainant.

Jaswant Singh,J(Oral)

Prayer is for grant of anticipatory bail in case FIR No.12 dated 26.1.2016 under Sections 306 IPC, PS Division No.6, Jalandhar.

In brief facts are that marriage between Sarabjit Singh (since deceased) was solemnised with petitioner-Malkeet Kaur on 27.9.2009. One girl and one boy were born out of the said wedlock. There was a matrimonial dispute which was subsequently amicably resolved whereby, inter alia, petition for divorce by mutual consent was filed. However, at the time of recording of statement at the second motion on 20.1.2016 said Malkeet Kaur resiled from her consent leading to Sarabjit Singh committing suicide by taking some poisonous

substance on 26.1.2016. Complainant-Smt.Surjit Kaur is mother of deceased Sarabjit Singh and has made allegations that on account of harassment by the petitioner-wife Malkeet Kaur, her mother Smt.Balwinder Kaur, her father Sukhdev Singh, *Massi*-Lakhwinder Kaur, *Massad* Gurmail Singh and *Taya*-Balwinder Singh, Sarabjit Singh committed suicide.

It was contended that accused petitioner-wife Malkeet Kaur has only exercised her legal right by resiling from her consent for mutual divorce and therefore, would not constitute legal basis for an offence under Section 306 IPC.

Vide order dated 19.2.2016 while granting interim protection,petitioner was directed to join investigation.

At the time of hearing today,learned counsel submits that petitioner has joined investigation and fully cooperated with the same.

Learned State counsel on instructions is unable to refute the said factual position and further states that custodial interrogation of petitioner is no longer required. It is further submitted that challan in this case also stands presented on 19.4.2016.

In view of the above,interim bail granted vide order dated 19.2.2016 is made absolute.

Disposed of.

06.05.2016
joshi

(Jaswant Singh)
Judge