

CRM-M- 11345 of 2017

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M- 11345 of 2017

Date of Decision:26.5.2017

Sandeep Kaur and another

---Petitioners

vs.

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. G.S.Sidhu, Advocate
for the petitioners

Mr. Vikas Malik, DAG, Haryana

Mr. J.S.Thind, Advocate
for the complainant

Rekha Mittal, J.

The petitioners pray for grant of pre arrest bail as they have apprehension of being taken in custody in pursuance of process issued by the court under Section 193 of the Code of Criminal Procedure (in short “Cr.P.C.”) during pendency of trial pertaining to FIR No. 97 dated 30.4.2016 under Section 304-B read with Section 34 of the Indian Penal Code (in short “IPC”) registered at Police Station, City Mandi-Dabwali.

Counsel for the petitioners has submitted that Sandeep Kaur

petitioner No. 1 was pursuing two years JBT course at S.D. Institute of Education at Kakrala District Mahendergarh(Haryana), stayed at Kakrala regularly from 2014 to 2016 and visited her home occasionally during the holidays. Hardeep Kaur, petitioner No. 2 is not real sister-in-law of deceased as she is the step sister of Jagdish, husband of the deceased. Further argued that after due investigation, the petitioners were declared innocent as it was found that they were not available at the place of occurrence on the day of incident, therefore, there is no question of their being privy to any such incident resulting in sustaining injuries by the deceased. The last submission made by counsel is that the petitioners have been summoned to face trial under Section 193 Cr.P.C., thus, their custodial interrogation is not required when otherwise they are ready to face proceedings, in accordance with law.

Counsel for the complainant has submitted that as per post mortem examination of the victim, various injuries were found on her person. The complainant has levelled specific allegations against the petitioners, therefore, they are not entitled to pre arrest bail.

Counsel for the State concedes to the factum that the petitioners were declared innocent as various persons recorded their statements during investigation that the petitioners were not available at the place of occurrence at the time of unfortunate incident.

I have heard counsel for the parties, perused the paper book and the police records.

Concededly, petitioner No. 1 was pursuing her JBT Course at Kakrala and petitioner No. 2 is not the real sister of Jagdish, husband of

Baljit Kaur (since deceased). The petitioners were declared innocent on the basis of statements recorded by various residents of the village that the petitioners were not present in the village on the day of occurrence. Custodial interrogation of the petitioners is not required.

Without meaning to express any opinion on merits of the controversy, the petitioners are directed to appear before the trial court within a period of 15 days and on their appearance, they shall be released on bail subject to satisfaction of the trial court. However, they shall abide by the following conditions:-

- (i) They shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) They shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

26.5.2017
paramjit

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