

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

Criminal Misc. No.M- 41725 of 2016(O&M)

Date of Decision: April 6 , 2017.

Gian Kaur and another PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Naresh Kumar, Advocate
for the petitioners.

Mr. Deep Singh, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.117 dated 20.10.2016 under Sections 306/34 IPC registered at Police Station Chabbewal, District Hoshiarpur.

Petitioner No.1 – Gian Kaur is the mother-in-law of the deceased and petitioner No.2 – Harjinder Kumar (wrongly mentioned as Rajinder Kumar in the FIR) is the 'Devar' of the deceased. It is submitted that both the petitioners were living separately from the deceased and her husband. Marriage of the deceased was solemnized with the son and brother,

respectively, of the petitioners on 07.10.2005. There is no evidence on record to connect the petitioner with the alleged offence. Admittedly, there is no complaint whatsoever which may have been lodged in regard to harassment allegedly meted out to the deceased by the petitioners. The deceased and her husband were married for 11 years and blessed with two children as well. Petitioner No.2, it is stated, was at a wedding on 19.10.2016. Reference is made to the wedding card and photographs (Annexure P1). It is submitted that the rigors of Sections 306/34 IPC are not attracted in this case. The basic ingredients of the provision are not present in this case. The petitioners have joined investigation. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Darshan Lal, submits that the petitioners have joined investigation and no recovery is to be effected from them. Their custodial interrogation, it is submitted, is not required. It is not denied that there is no complaint on record since the year 2005 till the lodging of the FIR in question in respect to harassment meted out to the deceased.

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

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 21.11.2016 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are

solely confined for the purpose of decision of the present petition.

April 6 , 2017.
'om'

(LISA GILL)
JUDGE

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