

CRM-M-14381-2018

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

CRM-M-14381-2018

Date of Decision: 09.08.2018

Roshni

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

Mr. Akshay Panghal, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner-Roshni has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.158 dated 21.09.2016, registered at Police Station Nathusari Chopta, under Sections 306 and 34 IPC.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Perusal of the record shows that in the FIR even, there is no allegation regarding matrimonial dispute between the parties. It is simply

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complainant that her husband, Satish (since deceased) is unemployed whereas she is educated and she is not happy with him. There is no allegation that the present petitioner maltreated her husband-Satish to such an extent which compelled him to take such an extreme step. Perusal of the FIR further shows that on 21.09.2016, Satish took the petitioner to her uncle at village Chhani (Rajasthan) and after coming from there, he committed suicide on hearing the conversation that Roshni wanted to get divorce from him.

In pursuance of the interim order dated 23.04.2018 passed by this Court, the petitioner, who is wife of the deceased, has already joined the investigation. She is not required for custodial interrogation. Therefore, no useful purpose will be served by sending her to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 23.04.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, nothing stated above shall constitute my opinion in any way on the merits of case.

09.08.2018

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

**(INDERJIT SINGH)
JUDGE**

: Yes
: No