

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

CRM-M-36768-2018

Date of decision:-13.9.2018

Jaswinder Kaur @ Jass

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Amit Arora, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jaswinder Kaur @ Jass, an accused in FIR No.218 dated 1.8.2018, under Sections 306, 34 IPC registered at Police Station City, Tarn Taran.

Briefly stated, the facts of the case as per the prosecution story, are that deceased Ravinder Kaur wife of Harpreet Singh, resident of village Maluwal Santa, Tehsil and District Tarn Taran, while being hospitalized had got her statement recorded by Chief Judicial Magistrate, Tarn Taran in which she stated that she had consumed celphos, a poisonous substance tablet, to end her life on account of pain, she felt due to illicit relations of her father with a woman, namely, Jaswinder Kaur @ Jass (present petitioner). Ravinder Kaur had subsequently expired.

Formal FIR was registered. The matter was investigated.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Additional Sessions Judge, Tarn Taran vide order dated 14.8.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The contention of learned counsel for the petitioner is that no abetment on the part of the present petitioner is made out. He has referred to authorities *Gangula Mohan Reddy Versus State of Andhra Pradesh, 2010(1) RCR(Criminal) 603* and *Chitresh Kumar Chopra Versus State (Govt. of NCT of Delhi), 2009(4) RCR(Criminal) 196.*

On the other hand, learned State counsel has submitted that the deceased, a young married woman had ended her life and she gave the reason for taking that extreme step to be the illicit relations of her father with the present petitioner and the statement got recorded by the deceased while she was admitted in the hospital after consuming poison, is to be taken as her dying declaration, to which due solemnity is attached, since no person leaving this mortal world would tell a lie.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits

from custodial interrogation.

After hearing the rival contentions, I find that in her statement got recorded with Chief Judicial Magistrate, Tarn Taran by the deceased Ravinder Kaur when she was admitted in the hospital after she had consumed poison, she had categorically stated that she had consumed poisonous substance feeling pained and hurt by illicit relations of her father with Jaswinder Kaur @ Jass - petitioner. The guilt of petitioner shall be determined during the trial. The minute technicalities shall be examined by the trial Court but here as the things stand, keeping in view the gravity and seriousness of allegations, no case for grant of pre-arrest bail to the petitioner is made out.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

13.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No