

CRM-M-40172-2018

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

CRM-M-40172-2018

Date of Decision: 28.09.2018

Nitu @ Ritu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Akshit Aggarwal, Advocate for
Mr. Sherry K. Singla, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner 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.813 dated 22.08.2018, registered at Police Station Model Town, Panipat, under Sections 306 and 34 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

As per the prosecution version, the present petitioner was

married with Deepak (since deceased) and two children were born out of

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their said wedlock. As per the allegations in the FIR, the present petitioner and Deepak used to fight with each other. As per the allegations, on 18.07.2018, the present petitioner filed a complaint against Deepak in the Police Post for giving beatings to her and a case was registered against Deepak. On that day, he left the house and since then, he was missing. Later on, his dead-body was recovered.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute details and without expressing any opinion on the merits of the case, I find that at this stage, it is debatable as to whether abetment to commit suicide is made out or not. Moreover, the petitioner has already joined the investigation. She is not required for any investigation or interrogation purposes. Therefore, no useful purpose will be served by sending her to custody.

In view of the above facts and circumstances, I find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

Therefore, the present petition is accepted and the order dated 13.09.2018, 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 will constitute my opinion on the merits of the case.

28.09.2018

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

: Yes
: No