

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

213

CRM-M No. 41741 of 2017

Date of Decision: January 24, 2018

Aarti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE B.S. WALIA.

Present:- Mr.K.S. Kahlon, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

B.S. WALIA, J. (Oral)

1. Prayer is for grant of anticipatory bail to the petitioner-Aarti aged 22 years, daughter of Naresh Mahajan in FIR No. 123 dated 12.11.2015, under Sections 304-B, 120B, 149 of the IPC, registered at Police Station City Batala, District Gurdaspur, against the petitioner's father, mother, brother as well as the petitioner on account of death of the sister in law of the petitioner, who committed suicide.

2. Petitioner's brother i.e. the husband of the petitioner's sister-in-law also committed suicide while in custody by writing a suicide note narrating the entire sequence of events. It is stated that the victim in this case committed suicide due to mental torture meted out to her by her parental family.

3. Learned counsel for the petitioner contended that all co accused i.e. family members of the petitioner filed CRM-M-43248-2017,

CRM-M-45277-2017 and CRM-M-47339-2017 for pre arrest bail as all of them were found innocent during investigation but had been summoned as additional accused vide order dated 16.09.2017 and that pursuant to the order passed by this Court granting interim pre-arrest bail, all co-accused participated in the proceedings before the learned trial court.

4. Aforementioned applications for pre arrest bail were allowed and interim bail granted to the co-accused was made absolute, subject to their furnishing fresh bail bonds and surety bonds to the satisfaction of the learned trial Court as learned State counsel confirmed that said co-accused had been found innocent during investigation, besides, had appeared before the learned trial Court, moreover, son/brother of the co-accused (i.e. brother of the petitioner herein) had committed suicide while in custody leaving behind a detailed suicide note, there was no allegation by the State that the co-accused were likely to abscond or were likely to dissuade witnesses from deposing true facts in the Court, if released on bail.

5. Vide order dated 07.11.2017 this Court while issuing notice of motion for 18.01.2018 noted that application under Section 193 Cr. P.C. moved by the complainant was later on withdrawn but the learned trial Court while exercising powers under Section 193 Cr. P.C. ordered summoning of the petitioner to face trial and that since challan had already been presented and custodial interrogation of the petitioner was not required, petitioner was directed to surrender before the trial Court/Duty Magistrate, within two weeks and on appearance, she was ordered to be released on interim bail, till the next date, on her furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

6. Learned State counsel confirms that pursuant to the interim order of

this Court as referred to above, the petitioner surrendered before the trial Court whereupon, she was released on interim bail, that she had also been found innocent during investigation but had been summoned by the trial Court in exercise of its power under Section 193 Cr. P.C., though the application moved under Section 193 of the Cr. P.C. had been sought to be withdrawn. Learned State counsel further states that the petitioner is participating in the proceedings before the trial Court.

7. Taking the aforementioned aspects of the matter into account, particularly that the co-accused i.e. Father, mother and brother of the petitioner have already been granted bail as also that initially the petitioner had been found innocent on the basis of investigation by the police and it is only in pursuance of powers exercised by the trial Court under Section 193 Cr. P.C. that the petitioner was summoned to face trial, interim order granting bail to the petitioner on 07.11.2017 is made absolute subject to the conditions envisaged in Section 438 (2) (ii) and (iii) of the Code of Criminal Procedure. Petitioner shall furnish bail bond and surety bond to the satisfaction of the learned trial Court.

8. Petition stands allowed.

January 24, 2018
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(B.S. WALIA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No