IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-49732 of 2018 (O&M)
Date of decision : December 18, 2018

Amarjeet Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms Jyoti Rani, Advocate, for the petitioner
Mr. Saurabh Khurana, DAG, Punjab, for the State
assisted by ASI Balbir Singh, PS Sadar, Kapurthala

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application under Section 438 Cr.P.C. of accused-petitioner Amarjeet Kaur in case bearing FIR No. 92 dated 10.8.2018, under Sections 306, 34 IPC, Police Station Sadar Kapurthala got registered by complainant Satish Kumar brother of deceased Manjit Kaur.

The brief allegations brought to the notice of the Court are that a marriage took place between the deceased and principal accused non-applicant Kuldeep Singh about 9/10 years ago and out of which wedlock two girls were born. However, due to matrimonial

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dispute the deceased confided in the complainant that her husband Kuldeep Singh in order to migrate abroad along with active connivance of present petitioner and her husband were forcing her to give divorce to her husband to enable him to go abroad and get settled. It is alleged that the accused including father-in-law Ajit Singh had represented that they had already seen a girl for their son (husband of the deceased) and they were bent upon sending him abroad. Faced with this ire of humiliation and threats, the deceased on 9.8.2018 committed suicide by means of hanging leading to the registration of the present case.

Learned counsel for the petitioner has sought to argue that the co-accused who is principal accused has been allowed bail by the court below. Thus, the present petitioner being sister-in-law of the deceased who is married and living separate in a distant place and therefore, cannot be accused of any such allegations and entire story is false and fabricated.

Mr. Saurabh Khurana, DAG, Punjab assisted by ASI Balbir Singh, PS Sadar, Kapurthala have opposed the grant of bail on the grounds that accused Kuldeep Singh had secured bail by default due to non presentation of challan within the mandatory period. It was argued that a close look at the allegations against the petitioner levelled in the FIR are suggestive of her role in the commission of the crime and therefore, her custodial interrogation is essential.

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Appreciating the submissions, the complainant has specifically enumerated the modus operandi of the accused in compelling her to get divorce to enable her husband and co-accused of the present petitioner to settle aboard after entering into a wedlock there. The deceased prior to her death had confided her agony with her brother, the complainant in this case repeatedly. Even immediate prior to her death she had confided in the complainant wherein all the accused including the present petitioner had abetted her to take such a step. In the light of the seriousness of the allegations and heinousness of the crime, custodial interrogation of the petitioner is essential, besides the fact that provisions of Section 438 Cr.P.C. are to be sparingly used. No cause for anticipatory bail is made out. The present petition is thus dismissed.

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ? *Yes/No*
Whether Reportable ? *Yes/No*

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