

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

CRM-M-48942-2017

Date of decision: 17.05.2018

Krishna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.S. Sullar, Advocate,
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

Mr. P.K.S. Phoolka, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner, who is the mother-in-law of the deceased Nisha Sharma in case FIR No.115 dated 30.11.2017, under Section 304-B of the Indian Penal Code, registered at Police Station S.G.N. Dev Thermal Plant, Bathinda.

Learned counsel for the petitioner contends that any allegation in the said FIR pertain to her son Harjiwan Kumar Sharma, who is permanent resident of Spain. It is alleged that a suicide note has been found in the hands of Nisha Sharma, which is Annexure P-2 in the record wherein she submits that she committed suicide by her own will and she had no

grudge with anyone. By an order dated 21.12.2017, the petitioner herein had been directed to join investigation.

Learned counsel appearing on behalf of the complainant strenuously opposes the confirmation of the interim bail by submitting that in the FIR, there were specific allegations that petitioner had demanded a sum of Rupees Ten Lacs while also arguing that son of the complainant i.e. brother of the deceased, had gone to visit Nisha Sharma in her in-laws' house and had returned so that the mother-in-law had asked for a sum of ₹ 10 lacs so that the file pertaining to Nisha Sharma for travelling abroad could be initiated.

Learned counsel for the respondent-State submits that the petitioner herein has joined the investigation in terms of the order passed by this Court on 21.12.2017

I have heard learned counsel for the parties.

The petitioner herein has prayed for grant of anticipatory bail in the aforesaid FIR. The purpose of custodial interrogation is primarily to help the police in the investigation so as to unearth the root of the crime. In the instant case, when the petitioner herein under the order of this Court has already joined investigation and the learned State counsel submits that the petitioner is not required any further, no purpose would be served in not confirming the interim bail already granted by this Court, though there is vehement opposition to the same.

Therefore, without going into the merits of the contentions raised by the parties concerned, and keeping in view that the the

investigating agency does not require the petitioner any further for investigation, this Court is inclined to allow the petition and confirm the order dated 21.11.2017 granting interim bail to the petitioner, subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

17.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.