

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

**CRM M-42391 of 2019 (O&M)
Date of Decision: November 05, 2019**

Ranjit Kaur	Versus	Petitioner
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner/mother-in-law Ranjit Kaur in this first anticipatory bail application moved under Section 438 Cr.P.C. in FIR 51 dated 17.09.2019 under Sections 306 and 34 IPC have been levelled by Balwinder Singh, father of the deceased Sandeep Kaur. As per the allegations, the marriage of the deceased was solemnized with Bhupinder Singh son of the petitioner in the year 2014 and on 18th of August 2019, the complainant received a telephonic call from the petitioner that deceased has consumed poisonous substance and she was rushed to hospital and died on 19.08.2019. The

present allegations have come about by the father after one month of the occurrence.

Shri Manoj K. Tanwar, counsel for the petitioner *inter alia* contends that at the very first instance, the complainant did not rake up any such plea and, belatedly, after one month of the occurrence has come about with the allegations and which did not bring about commission of offence under Section 306 IPC.

On behalf of the State Mr. Pawan Sharda, Sr. DAG, Punjab assisted by ASI Devender Kumar and Mr. Varun Sharma, counsel for the complainant though did not dispute the facts that have been brought to the notice of the Court but has stoutly opposed the bail on the ground of heinousness of the offence and seriousness of the allegations.

Going through the submissions, admittedly, it is after one month of the occurrence, the allegations have come about. A bare perusal of the submissions and the records including FIR, a debatable issue arises over the applicability of offence under Section 306 IPC and which can only be adjudicated at the time of the trial and considering that the fact that petitioner is a aged lady and nothing is to be recovered from her, the petition is allowed. In the event of arrest, the petitioner be released on *interim* bail to the satisfaction of Arresting/Investigating Officer.

The petitioner shall, however, join the investigation as and when called for to do so and she shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed of.

November 05, 2019

amit rana

**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No