

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-52590 of 2018 (O&M)

Date of Decision: July 25, 2019

Heena Kalra and anr.

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. R.S. Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate
for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM No. 21845 of 2019

Allowed as prayed for.

Annexure R-2/7 is taken on record.

CRM-M No. 52590 of 2018

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.472 dated 13.11.2018 under Sections 306, 506, 120-B of IPC registered at Police Station City NIT, Faridabad. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.12.2018 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-42646-2018

Application is allowed as prayed for.

Annexure P-4 is taken on record.

Main case

The FIR in question has been got registered by husband of petitioner No.1 for the offence under Section 306 read with Section 34 of Indian Penal Code. Learned counsel for the petitioners contends that the suicide committed by Pardeep Kalra (father of complainant) was a voluntary act without any abetment or instigation on the part of the petitioner. It is pointed out that the children born out of the marriage between petitioner No.1 and the complainant were with the complainant and litigation commenced between the parties for custody as the parties were living separately since 2016. He contends that mere adoption of remedy in law cannot be construed as an instigation or abetment to commit an offence of suicide as alleged in FIR. It is further urged that the alleged suicide note does not contain anything to suggest that victim is ending his life.

Notice of motion for 22.01.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Mr. R.S. Rai, Sr. Advocate for the complainant has contended that it was a pre-planned conspiracy between the petitioners who had even ill-treated the children to cause pain to the victim who decided to take the extreme step of

suicide. He submits that there are conversations between the petitioners/accused which exposed them and their conspiracy.

At this stage, learned counsel for the petitioners has invited the attention of the Court to contend that the transcript filed by learned counsel for the complainant contained the cause of suicide i.e. the pending litigation between the parties as the case was to be taken up after two days of the alleged occurrence.

Learned State counsel who is assisted by ASI Mahavir does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Mahavir further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.12.2018 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

July 25, 2019
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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No