

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

**CRM-M-12781-2020 (O&M).
Date of Decision: September 14, 2020**

SARABJIT KAUR

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Sunil Agnihotri, Advocate
for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 50 dated 21.04.2020, under Sections 306/34 IPC, Police Station Machhiwara, District Ludhiana.

The petitioner, it is submitted, has been unnecessarily and falsely implicated in the above mentioned FIR due to her relationship with the co-accused Jagdeep Singh, who is the petitioner's son. As per the averments in the FIR, the petitioner's son, Jagdeep Singh, wished to marry the complainant's daughter, though Jagdeep Singh was already engaged. It is averred that on 21.04.2020 the present petitioner went to the complainant's house and insulted

her as well as her daughter Sukhwinder Kaur. At about 3:30 P.M. the complainant's daughter Sukhwinder Kaur started vomiting and told the complainant that she had consumed sulfas tablets given to her by Jagdeep Singh. Jagdeep Singh stated that as they could not get married, they should consume poison. The complainant's daughter, being fed up, is stated to have committed suicide.

Learned counsel for the petitioner argues that it is debatable whether the rigours of Section 306 IPC, are attracted qua the present petitioner. The co-accused Jagdeep Singh, it is informed, has been afforded the concession of regular bail. Learned counsel for the petitioner submits that the petitioner has joined investigation. She is not involved in any other criminal case and she undertakes to cooperate in the investigation of the matter. It is thus prayed that this petition be allowed.

Mr. Sunil Agnihotri, Advocate, learned counsel for the complainant opposed this petition while submitting that on the relevant date the petitioner had insulted the complainant's daughter, which ultimately led her committing suicide.

I have heard learned counsel for the parties.

Learned counsel for the State on instructions from ASI Jarnail Singh, affirms that the petitioner has joined investigation and her custodial interrogation is not required. It is further verified that she is not involved in any other criminal case.

The allegations against the present petitioner are that she has insulted the complainant and her daughter on 21.04.2020. The poisonous tablets were allegedly handed over to the complainant's daughter by Jagdeep Singh. He

has been granted the concession of regular bail. No recovery is to be effected from the present petitioner and her custodial interrogation is not required.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 22.05.2020 is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

September 14, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No