

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

CRM-M No.14340 of 2020 (O&M)
DATE OF DECISION : 9th JUNE, 2020

Sukhdeep Kaur and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Nishan Singh Chahal, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.21 dated 24.02.2020 registered under Sections 306 & 34 IPC, at Police Station Sadar Faridkot, District Faridkot.

The perusal of the FIR shows that there are specific allegations against the petitioners. The deceased, who was the husband of petitioner No.2, has committed suicide. Even as per the petitioners, the dispute is related to adoption of a girl child from the relations of the petitioners. On that count also, there is nothing on record to show that the deceased was happy with the said adoption. Still further, the allegations are that immediately before the extreme step taken by the deceased, he was badly humiliated in the Panchayat.

No doubt, the accused as a citizen has a fundamental right to life and liberty. However, that right to life and liberty can very well be curtailed in accordance with the procedure established by law. As per the

procedure prescribed for Criminal Administration of Justice, the normal procedure for curtailing the life and liberty of the accused, Cr.P.C. prescribes that the Investigating Officer can arrest an accused even without warrant and without assistance /interference of the Court. However, to ensure that a person is not unduly harassed, at least in those cases, where the circumstances are leading, predominately, towards ex-facie innocence of the accused, the Courts have been given special and extra-ordinary power under Section 438 Cr.P.C. This statutory power of granting pre-arrest bail is so extraordinary that it is not even available in all parts of the country; and it is not available even through-out the country qua some offences under some special statutes. Hence, right to get anticipatory bail is not any fundamental right. The provision of Section 438 Cr.P.C. provides only a remedy to an accused and leaves the extent of right to liberty to be decided by the Court.

In the present case, as mentioned above, there are direct allegations against the petitioners. They are the persons who were immediately connected to the deceased. The petitioner No.2, being wife of the deceased, also has special knowledge of the circumstances prevalent before the incident. Hence, the petitioners may be required to be interrogated in right earnest to unearth the real facts leading to the death of the deceased.

Otherwise also, the investigation is at the initial stage. Therefore, if the petitioners are granted protection of anticipatory bail, at this stage, then the investigation of the case is likely to suffer.

Although, the counsel for the petitioners has submitted that one of the co-accused has already been granted anticipatory bail, however, the distinguishing feature in case of the co-accused is that he

was not the member of the family of the petitioners. He is a distant relative.

In view of the above, finding no ground to interfere in the present petition the same is dismissed.

9th June, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>