

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

**CRM-M No.18820 of 2020 (O&M)
Date of Decision: 07.09.2020**

Suman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Narender Pal Bhardwaj, Advocate and
Ms. Sandhya Kaushik, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana
for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.240 dated 16.06.2020, under Section 306 of the Indian Penal Code, 1860, registered at Police Station Sadar Ambala, District Ambala.

The co-ordinate Bench of this Court, while issuing notice of motion on 16.07.2020, passed the following order:-

“ Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in case FIR No.240, dated 16.06.2020, under Section 306 IPC, registered at Police Station Sadar Ambala, District Ambala.

Deceased name is Happy, aged about 22 years who is stated to have committed suicide by hanging on 16.06.2020.

Petitioner in the present case is a married lady having two children, aged, 15 years and 10 years. She sought to be implicated on the basis that she was an illicit relationship with the deceased and based on certain phone call records.

Counsel would inter alia contend that even as per version contained in the FIR registered on the statement of father of the deceased, the accused/petitioner had visited the house of the deceased on 15.06.2020 at 2:30 p.m. and at that point of time, deceased was not even present at home. It is urged that no specific/overt act has been attributed to the petitioner so as to fulfill the ingredients of the offence under Section 306 IPC. Further submitted that the deceased did not even leave behind any suicide note. It is argued that under such circumstances, custodial interrogation of the petitioner would not be warranted as she is otherwise ready and willing to join investigation.

Notice of motion, returnable for 07.09.2020.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. ”

Contentends that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from A.S.I. Dharampal, has acknowledged that in terms of order dated 16.07.2020, petitioner has joined investigation and her custodial interrogation is not required.

In view of above, interim order dated 16.07.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

September 07, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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