

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-32250 of 2020 (O&M)
Date of decision : November 04, 2020

Joginder Kaur and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. SS Rangi, Advocate, for the petitioner

Mr. Jagmohan Ghuman, DAG Punjab

Mr. Jagdeep Chahal, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioners Joginder Kaur mother-in-law and Des Raj father-in-law of deceased Rajni have come up in this first application for anticipatory bail in case FIR No. 233 dated 3.9.2020 under Sections 306, 34 IPC, Police Station Sadar Jalandhar.

The present case was got registered on the statement of

Harjit Kumar brother of the deceased. The allegations in brief are that the deceased was married to Manjit Singh accused for the last about seven years and out of which two children were bestowed to the couple who both are minor. The claim of the complainant alleges that her sister was harassed by the accused husband, in-laws including the present petitioners and as a consequence of which she committed suicide by means of hanging on 3.9.2020.

Learned counsel for the petitioners inter-alia contends that it was after seven years of successful marriage, the deceased who was suffering from acute depression and had suicidal thoughts and was under treatment, because of her ailment committed suicide and that the complainant has twisted the true facts. Counsel for the petitioners has placed reliance on treatment record Annexure P/2.

Learned State counsel has opposed the bail on the grounds of seriousness of the offence but clearly concedes the factum of mental illness of the deceased.

Be so as it may. Admittedly, the deceased was under medical treatment as she was suffering from suicidal thoughts which is much illustrated from Annexure P/2. The couple had successful matrimony of seven years with two minor children and keeping in view the allegations which are highly questionable necessitates that

it would be traversary of justice to send the petitioners, who are senior citizens, behind the bars and their joining the investigation would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioners shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioners are directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

November 04, 2020

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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No