

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

CRM-M-1593 of 2021

DATE OF DECISION :- February 17, 2021

Usha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Usha Rani, aged about 50 years, wife of Yashpal, resident of 410/9, Qadri Mohalla, Gurdaspur, an accused in F.I.R No. 254 dated 19.12.2020 under Sections 306, 34 IPC registered with Police Station P.S. Division No. 2 Pathankot, District Pathankot.

Briefly stated the facts of the case as per prosecution story are that one Sunny Kumar, a married person had committed suicide by consuming poison. His brother Karan Kumar had lodged FIR in question alleging that Sunny Kumar had committed suicide being upset due to the reason that his wife Alka along with Children had eloped with one Rakesh Kumar with whom, she was having illicit relations and petitioner Usha Rani being mother of Alka had not helped the deceased in the matter.

Apprehending her arrest in this case, petitioner had approached

the Court of Sessions at Pathankot by moving an application for grant of anticipatory bail, however, her such application which was assigned to Additional Sessions Judge, Pathankot was declined vide order dated 4.1.2021. Feeling aggrieved, she has approached this Court for grant of similar relief by way of filing the present petition, notice of which has been given to the State.

I have learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner is an aged woman of 50 years, who is taking care of her handicapped son, who is unable to move about; that even if the allegations in the F.I.R are taken as such, no abetment to suicide on the part of petitioner is made out. He has further contended that in view of the direction issued to her, the petitioner has since joined the investigation and has been released on interim bail, therefore, the present petition be accepted.

Learned State counsel on instructions from ASI Harpreet Singh has conceded that fact of the petitioner having joined the investigation adding that since no recovery is to be effected from her, her custodial interrogation is not required.

Considering the facts and circumstances of the case and in view of the statement made by learned State counsel, I find that petition deserves to be accepted and the same is allowed.

The interim bail granted to the petitioner on 13.1.2021 is made absolute, subject to the following conditions :-

- (i) she shall join the investigation as and when so directed.
- (ii) she shall appear in the Court on each and every date of hearing.

- (iii) she shall not give any threat or intimidation to the prosecution witnesses.
- (iv) she shall not leave India without prior permission of the Court.
- (v) she shall surrender her Passport before the Investigating Officer and if she is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

February 17, 2021
p.singh

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