

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

**CRM-M-5928 of 2020
DATE OF DECISION :- July 27, 2021**

Surjeet Kaur @ Sumitra Bai

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Ms. Gurvir Kaur Gill, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Surjeet Kaur @ Sumitra Bai wife of Kishore Singh, aged 44 years, resident of House No. 51-C, Raipur Khurd, Behlana, Chandigarh, an accused in F.I.R No. 78 dated 22.6.2019 for offences under Sections 306, 34 IPC registered at Police Station Vairoke, District Fazilka.

Briefly stated the facts of the case as per prosecution story are that one Nishan Singh had committed suicide. His wife Sonia had submitted a written complaint to Senior Superintendent of Police, Fazilka contending that relative of the deceased namely Jeet Singh, Sumitra Rani and Surjit Kaur (present petitioner), who happen to be sister of the deceased had abetted the suicide by the deceased by harassing him and abusing him. Their purpose was to grab the property of the deceased.

Formal F.I.R in the matter was registered. Apprehending her

arrest in this case, petitioner had approached the Court of Sessions at Fazilka by filing an application for pre-arrest bail. Her such application which was assigned to Additional Sessions Judge, Fazilka was, however, dismissed vide order dated 23.1.2020. Feeling aggrieved, she has approached this Court craving for grant of similar relief, which request is being opposed by the State counsel.

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

Learned counsel for the petitioner has contended that petitioner is married sister of deceased, inasmuch as she got married in the year 1995 and has been residing separately along with her husband and other family members at Chandigarh. She did not interfere in the family affairs of the complainant and the deceased and she has been wrongly involved by the complainant. Further more the deceased had not left any suicide note. According to learned counsel for the petitioner, the petitioner has since joined the investigation in terms of the directions issued to her vide order dated 25.2.2020 and has been released on interim bail, therefore, such order is to be made absolute.

Learned State counsel on instructions from ASI Gurbax Singh has admitted the factum of petitioner having joined the investigation further stating that no recovery is to be effected from her, therefore, her custodial interrogation is not required, He has further stated that in terms of the investigation in the matter carried out so far, the deceased had not left any suicide note.

In view of the detailed discussion above, I find that the petition deserves to be accepted. Accordingly, the interim bail granted to the petitioner on 25.2.2020 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

July 27, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No