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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10829-2020
Date of decision-28.10.2021

TANU AND ORS

...Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.25 dated 15.02.2020, under Sections 306, 34 Indian Penal Code, 1860, registered at Police Station Division No. 5, District Jalandhar. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 16.03.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel contends that petitioner No.1 (wife of the victim) went to the parental house for delivery and the child was born on 04.12.2019. He submits that there was no dispute between the husband and wife and the complainant (brother of

the victim) has implicated petitioner No.1, her mother, brother and sister falsely in FIR No.25 dated 15.02.2020, under Section 306 read with Section 34 IPC, Police Station, Division No.5, Jalandhar. It is further pointed out that the victim was arrested in case FIR No.153 dated 28.09.2019, under Sections 21/29 NDPS Act, 1985, Police Station, Division No.5, Jalandhar and was recently released on bail vide order dated 17.10.2019. According to him, it is quite possible that the victim voluntarily ended his life, because of his involvement in the narcotic case.

Notice of motion for 21.07.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Sudesh Kumar does not dispute this fact that the petitioners have joined the investigation and they are not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 16.03.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

28.10.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No