

204

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

CRM-M-17567-2021

Date of decision : 26.10.2021

Kavita

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Arti, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.44 dated 08.02.2021 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Kotwali, District Patiala.

On 27.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner submits that the petitioner herein has been falsely implicated in the instant FIR. It is, inter-alia, argued that the petitioner was not residing with the deceased for the last one and a half month. It is also argued that the contents of the FIR does not indicate that the petitioner herein had instigated the deceased in any manner whatsoever to commit suicide and,

*therefore, would place reliance on the principles as laid down by the Supreme Court in **Arnab Manoranjan Goswami Versus The State of Maharashtra & others 2021 (1) Bon. CR (Crl. 287** in support of his prayer for anticipatory bail. It is also submitted that custodial interrogation of the petitioner would not be required as no recovery is to be effected from her and she is ready to join the investigation.*

Notice of motion.

Mr. Bhupinder Beniwal, AAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent—State and seeks time to file reply.

Adjourned to 11.10.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on her doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 27.04.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Rajesh Kumar, Police Station Kotwali, District Patiala, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, moreso

the fact that the petitioner has joined the investigation and is not required for any further custodial interrogation and also the fact as to whether Section 306 of IPC is made out in the present case or not would be a debatable issue at the time of trial, this Court deems it appropriate to allow the present petition.

Accordingly, the interim order dated 27.04.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

26.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No