

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

1. **CRM-M-20236 of 2021**
Date of Decision:-14.10.2021

Shimla

...Petitioner

Versus

State of Haryana

...Respondent

2. **CRM-M-22503 of 2021**

Ajay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioner(s).

Ms. Sheenu Sura, DAG, Haryana.

GURVINDER SINGH GILL J.(Oral)

This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Shimla and Ajay Kumar for grant of anticipatory bail in case FIR No.039 dated 21.4.2021, under Section 306 read with Section 34 IPC, registered at Police Station GRP, Panipat, District

GRP Ambala.

At the time of issuance of notice of motion in CRM-M-20236 of 2021 'Shimla Vs. State of Haryana', following order was passed on 20.5.2021 :-

“Learned counsel for the petitioner contends that it is a case where the husband of the complainant had committed suicide by jumping in front of a running train and that the petitioner who is a lady is now sought to be implicated along with two more co-accused on the ground that they had been harassing the deceased on account of certain loan of Rs.5000/- advanced by each of the three accused to father of the deceased who was not even residing with the deceased.

It has been submitted that by no stretch of imagination the petitioner who is a lady can be said to have abetted the commission of suicide by husband of the complainant and that the petitioner and other co-accused have been falsely implicated in order to pressurise them and to extort money.

Notice of motion for 14.10.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

At the time of issuance of notice of motion in CRM-M-22503 of 2021 'Ajay Kumar Vs. State of Haryana', following order was passed on 08.06.2021:-

“Learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated and otherwise also offence under Section 306 IPC is not made out because the ingredients of Section 306 IPC are not fulfilled. He has submitted that a bare perusal of the FIR would show that the allegations are that due to some dispute regarding money, the husband of the complainant had committed suicide but the ingredients of Section 306 IPC are not fulfilled. He has referred to order dated 20.5.2021 (Annexure P-3) whereby similarly situated co-accused namely Shimla has been granted interim protection by this Court.

Notice of motion.

Mr.Pawan Kumar Longia, DAG, Haryana, accepts notice on behalf of the State of Haryana and prays for same to file affidavit/seek instructions. However, he states that it is correct that co-accused namely Shimla has been granted interim protection by this Court vide Annexure P-3.

List on **14.10.2021**.

To be heard along with **CRM-M-20236-2021**.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.”

Learned State counsel on instructions from SI Krishan Lal has

informed that both the petitioners, pursuant to interim directions have joined investigations and are not required for any custodial interrogation. It has been informed that the challan has been prepared and that petitioner Ajay Kumar has been kept in column No.2 whereas the petitioner Shimla, who is a lady, will be proceeded against.

In view of the aforestated position, wherein it has been informed that investigation has concluded and challan is likely to be presented against one of the petitioner i.e. Shimla, it goes without saying that custodial interrogation of the petitioners is not required. Both the petitions are as such accepted and the interim directions dated 20.5.2021 in CRM-M-20236 of 2021 and dated 08.6.2021 in CRM-M-22503 of 2021 are hereby made absolute subject to condition that petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

A copy of this order be placed in the file of connected case.

October 14, 2021
Vijay Asija

(**GURVINDER SINGH GILL**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No