

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

CRM-M No.23206 of 2021

Date of decision : September 27, 2021

Anita Rani @ Anita Devi

..... Petitioner

Versus

State of Punjab

..... Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Amandeep Singh Manaise, Advocate and
Mr. Deepanshu Mehta, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.31 dated 25.05.2021, registered under Sections 306 and 34 IPC at Police Station Dhar Kalan, District Pathankot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 16.06.2021. Order dated 16.06.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.31 dated 25.05.2021 under Sections 306 and 34 IPC registered at Police Station Dhar Kalan, District Pathankot.

Learned counsel for the petitioner argues that the deceased namely, Rajeev Badan is the brother of the husband of the petitioner and the allegations against the petitioner are with regard to the harassment meted out to the deceased, which led the deceased to commit suicide. Learned counsel for the petitioner further argues that according to the complainant, the harassment which was meted out to the

deceased was in respect to non grant of share in the property which the deceased was claiming for.

Learned counsel for the petitioner submits that the property, in which, the share was being claimed is not owned by the petitioner but, is owned by her father-in-law i.e. the father of the deceased therefore, the allegations for non grant of share in the property cannot be alleged against the petitioner at all. Learned counsel for the petitioner further submits that it has already come on record that the deceased was living with his maternal aunt for quite a long time before he committed suicide and in view of the said fact, once there is no immediate allegation against the petitioner, which had come on record which lead the deceased to commit suicide and the petitioner is ready to join and cooperate in the investigation, she be granted the benefit of anticipatory bail.

Notice of motion for 27.09.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that as per the complainant, who is a wife of the deceased, the petitioner alongwith her husband made sure that the father of the deceased did not give share to the deceased out of the property and the said act amounted to harassment and the allegations in this regard are very clear, which needs to be investigated to find the actual truth behind the allegations.

Learned counsel for the complainant submits that the deceased had also recorded a video, wherein, he had stated that he was being harassed by his father, brother and bhabi i.e. petitioner and, therefore, once the said allegations are there, the same need to be taken into consideration while considering the plea for the grant of anticipatory bail to the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed before this Court by the parties concerned that the property, in which the deceased was claiming share belongs to the father of the deceased and not the petitioner and the petitioner in no manner is concerned with the said property so as to give any share

to the deceased. The allegations of harassment at the hands of the petitioner towards the deceased are yet to be proved in the Court of law. Once, the petitioner, who is a mother of three months old child, is ready to join and cooperate in the investigation, she has made out a case for the grant of benefit of anticipatory bail.

The petitioner is directed to join the investigation forthwith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make herself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Arun Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 16.06.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when

called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 27, 2021

sarita

Whether speaking / reasoned Yes

Whether Reportable: No