

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

202

**CRM-M-22380-2020
Date of decision: 12.01.2021**

Baljinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Rana Harjasdeep, DAG, Punjab
for the respondent-State.

Mr. Rahul Rampal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.106 dated 28.07.2020 registered under Section 306 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Jaitu, District Faridkot.

While issuing notice of motion on 11.08.2020, Co-ordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

The complainant has also opposed the petition through Mr. Rahul Rampal, Advocate who undertakes to file his power of attorney

in the Registry.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The deceased did not leave any suicide note. The FIR has been registered on concocted allegations. The deceased used to force the petitioner to marry him regarding which the petitioner objected to and complained to his parents. There was no abetment or instigation of the deceased by the petitioner for committing suicide. Offence under Section 306 of the IPC is not made out. In compliance with order dated 11.08.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that petitioner pressurized the deceased not to marry any other woman due to which the deceased committed suicide. In view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Gurbinder Singh, acknowledged that in compliance with order dated 11.08.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that her custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation

of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 11.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

12.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No