

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-31315 of 2021

Date of Decision : 07.10.2021

Mumtaz Begum

....Petitioner

Versus

State of Punjab

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Amandeep Kaur, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 0031, dated 14.07.2021, registered under Sections 306, 34 IPC, at Police Station GRP Sangrur, Govt. Railway Police, Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 20.08.2021. Order dated 20.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 0031, dated 14.07.2021, registered under Sections 306, 34 IPC, at Police Station GRP Sangrur, Govt. Railway Police, Sangrur.

Reply by way of affidavit of Mr. Jagmohan Singh, PPS, DSP Sub Division, GRP Punjab, Patiala, has been filed in Court today and the same is taken on record.

Learned counsel for the petitioner submits that keeping in view the reply filed, there is no suicide note recovered to substantiate the allegations against the petitioner, who is the

mother-in-law of the deceased. Learned counsel for the petitioner further submits that the allegations mentioned in the FIR are yet to be proved and nothing material has come on record to connect the petitioner with the allegations and petitioner is ready to join the investigation and cooperate with the same, hence, petitioner may kindly be granted the concession of anticipatory bail.

Learned State counsel submits that there are serious allegations alleged in the FIR of harassment of the deceased by the petitioner and, therefore, her custodial interrogation is necessary.

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

The petitioner is 56 years old lady, who is the mother-in-law of the deceased and the allegations made by the complainant, are yet to be proved in the Court of Law during the trial. As nothing is to be recovered from the petitioner, the purpose of investigation will be achieved, in case the petitioner is directed to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation and co-operate with the same, she has made out a case for the grant of anticipatory bail.

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 his/her satisfaction 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 him 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.

Adjourned to 07.10.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

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

In view of the above, the order dated 20.08.2021 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. He 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No