

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

CRM-M-25878-2020 (O&M)

Date of decision: 05.03.2021

Chhinderpal Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. A.K. Khunger, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Parvesh Sachdeva, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Chhinderpal Kaur, an accused in FIR No.0010 dated 21.02.2020, for an offence under Section 306 IPC, registered with Police Station Sadar, Jalalabad, District Fazilka.

Briefly stated the facts of the case as per prosecution story are that, Amandeep Kaur daughter of complainant Jarmal Singh was married with Lakhwinder Singh son of Chanan Singh and Chhinderpal Kaur (present petitioner); said Amandeep Kaur had committed suicide by consuming pesticide; complainant report the matter to the police, stating that relations between deceased Amandeep Kaur and her husband Lakhwinder Singh were cordial but the deceased used to be harassed by

her father in-law Chanan Singh and brother in-law Manjit Singh and for the said reason, she was driven to commit suicide; formal FIR in the matter was recorded.

Apprehending her arrest in this case, petitioner/accused had approached the Courts of Sessions at Fazilka by moving an application for grant of pre-arrest bail. Her such application was assigned to Addl. Sessions Judge, Fazilka, who vide order dated 09.07.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel and counsel for respondent No.2.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that no abetment on the part of the present petitioner is made out. The allegations levelled in the FIR that husband of the petitioner had not given share in the property to husband of the deceased are wrong, since in the copy of jamabandi (Annexure P1), it is clearly mentioned that husband of the petitioner had given share in the land to his sons Lakhwinder Singh and Manjit Singh and an entry is there in the remarks column of the jamabandi and furthermore, even if such allegations are taken as such, no abetment on the part of the petitioner is made out when she has since joined the investigation and no recovery is to be effected from her, therefore, her custodial interrogation is not necessary and she be granted pre-arrest bail.

Learned State counsel, on instructions from ASI Maloop Singh has conceded the fact of petitioner having joined the investigation, further stating that her custodial interrogation is not required by the investigating agency.

Though, learned counsel for the complainant/respondent No.2 has contended that the recovery of dowry articles is to be effected from the petitioner, as such, she should not be granted pre-arrest bail but I find that the present FIR has been registered for an offence under Section 306 IPC and not under Section 406 IPC, containing allegations of petitioner being entrusted with istridhan articles of deceased and she having committed criminal breach of trust in that regard. Therefore, there is no occasion for recovery of any dowry articles from her. Furthermore, as stated by learned counsel for the petitioner, the deceased along with her husband had separate residence from that of petitioner and her other family members. Chanan Singh, husband and co-accused of the petitioner is said to have been released on regular bail, whereas, the other co-accused have been granted pre-arrest bail.

Under the circumstances, I find that the petition deserves to be accepted. Accordingly, the same is allowed. The interim bail granted to the petitioner, vide order dated 04.09.2020 is made absolute, subject to the following conditions:-

- 1.that the petitioner shall make herself available for investigation by a police officer as and when required;
- 2.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 such facts to the Court or to any police officer and;

- 3.that she shall not leave India without prior permission of the Court.
- 4.that she shall surrender her passport before the Investigating Officer and if she is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

05.03.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No