

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-33192 of 2021
Date of Decision : 09.11.2021

Shanti Devi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gurdarshan S. Sidhu, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 49 dated 25.04.2021 registered under Sections 306 and 34 IPC at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 17.08.2021 passed by this Court. Order dated 17.08.2021 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. 49 dated 25.04.2021 registered under Sections 306 and 34 IPC at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner argues that the petitioner is the mother-in-law of the deceased and is 80 years old and the only allegation on the basis of which, the petitioner has been roped in the present FIR, is that prior to the date, when the deceased committed suicide, he went to his in-laws

place, where he was beaten by the present petitioner, which allegation is incorrect and false. Learned counsel for the petitioner further argues that no injury has been found on the person of the deceased so as to support the said allegation and submits that the petitioner, who is 80 years old is ready to join and cooperate in the investigation and nothing is to be recovered from the petitioner.

Notice of motion for 09.11.2021.

Mr. Sandeep Kumar, 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 the petitioner has been roped in as there is direct allegation in the complaint submitted by the brother of the deceased that the petitioner had beaten the deceased due to which he committed suicide.

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

The petitioner is an 80 years old lady and the only allegation against her is that on one occasion she had beaten the deceased, who was her son-in-law. The allegations with regard to the beatings given by the petitioner to the deceased are yet to be proved in the Court of law and nothing is to be recovered from the petitioner as of now. Furthermore, keeping in view the pandemic of Covid-19, it will not be in the interest of justice to send an 80 years old lady behind the bars, especially, keeping in view the facts and circumstances of the present case, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation.

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 on instructions from ASI Ram Saroop 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 17.08.2021 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. 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No