

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 50603 of 2019 (O&M)

Date of decision : 15.7.2021

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Sarabjit Kaur

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Sarabjit Kaur, aged about 60 years, w/o Jasmail Singh, resident of Old Jail Road, Near Amritsar Octroi, Kapurthala, an accused in FIR No. 160 dated 30.6.2019, for offences under Section 306 IPC, registered at Police Station City, District Kapurthala.

Briefly stated, facts of the case, as per the prosecution story

are that one Talwinder Singh, a computer teacher at MGN School,

Kapurthala, had committed suicide by hanging from the ceiling fan. He had left a suicide note naming various persons, who used to harass him, compelling him to take extreme step of committing suicide. Name of petitioner – Sarabjit Kaur figured in that suicide note. On the matter being reported to the police by widow of deceased, namely, Mrs. Maninder Kaur, formal FIR was recorded.

Apprehending her arrest in this case, petitioner-Sarabjit Kaur had approached the Court of Sessions at Kapurthala, craving for grant of anticipatory bail. Her application to that effect which was assigned to Additional Sessions Judge, Kapurthala, was dismissed vide order dated 18.11.2019. As such the petitioner has approached this court, for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has contended that petitioner is an aged woman of 62 years, not keeping good health; that she had not done any act which might have compelled the deceased to commit suicide; that she is not connected with the deceased in any manner. He has further contended that co-accused of the petitioner, who are similarly placed, have been granted the concession of anticipatory bail, namely, Ashwani Kumar, by allowing CRM-M-32950-2019(O&M); Kamal Varma by accepting CRM-M-35963-2019(O&M) and Dalip Kumar @ Tunda by allowing CRM-M-31511-2019(O&M), vide separate orders dated 25.11.2019 in all

the three cases, by a Co-ordinate Bench of this Court. He has placed on record copies of such orders in support of his contention, contending that the petitioner also deserves to be granted such concession on the ground of parity, rather her case is on better footing.

Though learned State counsel has opposed the petition, but he has not disputed the fact that co-accused of the petitioner namely, Ashwani Kumar, Kamal Vama and Dalip Kumar @ Tunda, have been granted anticipatory bail by a Co-ordinate Bench of this court. Furthermore, in terms of order dated 28.11.2019, the petitioner has joined the investigation. Learned State counsel, on instructions from ASI Devinder Singh, has stated that since no recovery is to be effected from the petitioner, her custodial interrogation is not required by the local police.

Thus in view of the detailed discussion above, the interim bail granted to the petitioner vide order dated 28.11.2019 is made absolute, subject to fulfillment of following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing.
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender her passport before the Investigating Officer and if she is not having passport then

she shall file an affidavit in that regard.

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

The petition in that way is allowed.

15.7.2021
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(H.S. Madaan)
Judge

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