

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-14764 of 2020
Date of decision:19.09.2022

Harbans Kaur and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rohit Joshi, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. P.S.Sekhon, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

On 23.06.2020, this Court passed the following order:-

*“The case has been taken up by way of Video Conference
as per instructions in view of COVID-19 pandemic.*

*Prayer is for grant of interim anticipatory bail in case
FIR No.0132 dated 23.05.2020 under Section 304-B IPC
registered at P.S City Kharar, SAS Nagar.*

*Petitioner No.1 is stated to be mother-in-law of the
deceased whereas petitioner Nos.2 & 3 are brother-in-law
(Jeth) and brother-in-law's wife (Jethani) of the deceased.*

As per allegations, the petitioners used to harass and beat the deceased (elder sister of the complainant) on the pretext of bringing less dowry.

Learned counsel for the petitioners contends that the petitioners have falsely been involved in this case as the tendency of implicating husband and all his immediate relations is not uncommon. The petitioners have nothing to do with the affairs of deceased-Shallu and her husband.

Notice of motion for 20.08.2020.

Meanwhile, in the event of arrest, the petitioners shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioners are also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Counsel for the petitioners submits that Rakesh Singh and Kuldeep Singh, husband and father-in-law of the deceased have been, arrested, though Kuldeep Singh has been released on bail.

Upon instructions from ASI Harminder, State counsel submits that petitioners have joined the investigation and they are no longer required for custodial interrogation.

Reference has been made by the counsel for the complainant to the affidavit of Gian Kaur alias Guddi, a relative of the petitioners, who

claimed to be an eye witness to the alleged occurrence of 23.05.2020. However, in the status report filed by the State by way of affidavit dated 27.04.2022, it has been submitted that neither her original affidavit was produced nor did she appear before the Investigating Agency. It has been specifically stated that her whereabouts could not be traced nor could it be established that she was present at the spot on the said date and time of occurrence.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 23.06.2020 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

September 19, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No