

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

CRM-M-22638-2021

Date of decision : 24.01.2022

Manpreet Kaur

..... Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. R.S. Sidhu, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner has approached this Court for grant of anticipatory bail in case FIR No.0295 dated 07.11.2020, under Section 346 IPC (Section 346 IPC deleted and Section 306 IPC added later on vide Rapat No.26 dated 14.05.2021), registered at Police Station City Malout, District Sri Muktsar Sahib.

As per the facts of the case, deceased-Rekha Rani left the matrimonial home on 15th December, 2019 and thereafter, she came back. However, she again left the home on 29.10.2020 and thereafter, she was never seen.

It has been contended by learned counsel for the petitioner that the dead body till date is not yet recovered. He submits that on earlier

occasion, the alleged deceased left the matrimonial home. However, the petitioner has been roped in on the basis of suicide note which has been produced by the complainant himself on 07.11.2020. He submits that the offence under Section 306 IPC was added in the FIR on 14.05.2021. He has submitted that in view of the attending facts and circumstances, offence under Section 306 IPC is not attracted in this case where the dead body is not recovered till date.

On the other hand, learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is duly named in the FIR as well as in the suicide note. He submits that co-accused Manpreet Singh is behind the bars and hence, the petitioner has no case for grant of anticipatory bail.

Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. He has relied upon the status report filed by the State. He submits that the suicide note was sent for FSL report and the same has been received and it was found to be written by the deceased. He has submitted that there are two accused in this FIR. Co-accused Manpreet Singh is also behind the bars. He submits that as the dead body is not traceable till date, the case needs a thorough investigation and granting anticipatory bail to the petitioner would definitely hamper the ongoing investigation.

I have heard learned counsel for the parties and perused the record.

The dead body in the case is yet to be recovered. The allegations against the petitioner are specific in the FIR as well as in the suicide note.

In the facts and circumstances of the case, I find that the case needs a thorough probe and free & fair investigation to unravel the truth in the allegations.

The Hon'ble Supreme Court in State Vs. Anil Sharma, (1997) 7SCC 187, held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

In the overall facts and circumstances of the case, the Court finds that there is no merit in the petition and the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

24.01.2022
m.sharma

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No