

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211 CRM-M-29083 of 2021
Date of decision:17.01.2022

Gurdev Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.81 dated 15.06.2021 registered for offences under Sections 306, 34 of Indian Penal Code, 1860 at Police Station Kot Ise Khan, District Moga (Annexure P-1).

While granting interim protection to the petitioner, this Court passed the following order on 27.07.2021:-

*“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner, who is the mother-in-law while inter-alia arguing that the petitioner has been falsely implicated in the present case. In fact a reading of the FIR would reflect that no offence under Section 306 IPC is made out. To support his contentions, learned counsel also placed reliance on the judgment of the Supreme Court rendered in **Arnab Manoranjan Goswami vs. State of Maharashtra and others in Criminal Appeal No. 743 of 2020 arising out of SLP***

(Crl.) No.5598-2020.

Notice of motion.

Mr. Amit Mehta, Sr. Dy. AG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply.

Adjourned to 13.12.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and in the event of arrest, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Upon instructions from SI Gura Singh, State counsel submits that the petitioner, who is the mother-in-law of the deceased, has joined the investigation and she is no longer required for custodial interrogation. He submits that challan has been presented and the charge has been framed against the accused petitioner.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 27.07.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

January 17, 2022
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>