

CRM-M-26424-2022

Date of decision: 10.08.2022

CHAMELI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aminder Singh, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 15.06.2022, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in a case registered against her vide FIR No.113 dated 26.05.2022 under Sections 306, 34 IPC with Police Station Bhawanigarh, District Sangrur.

The learned counsel for the petitioner inter alia contends that the deceased-Jasvir Kaur was brought to the hospital by her husband Jasvir Singh. He submits that the deceased was fit to make a statement, and had therefore, made a statement to HC Zebra Nand wherein she stated that she had taken some poisonous substance by mistake. The learned counsel for the petitioner further submits that the deceased had died on 26.04.2022 and uptill then no attempt was made by the family members of the deceased to approach the Magistrate to get her dying declaration recorded. It is further contended that the husband of the deceased i.e. the son of the petitioner is already in custody.

Notice of motion for 10.08.2022.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 30.06.2022 and in the event of her arrest, she shall be released on bail on his furnishing bail bonds to the satisfaction of

SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make herself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender her passport, if any.

Meanwhile, the State is directed to file an affidavit as to the exact role of the petitioner and her co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Mejar Singh, learned State counsel has not assailed the aforesaid factual aspects and submits that she does not intend to file any affidavit as the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 15.06.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

10.08.2022
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(VIVEK PURI)
JUDGE

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