

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-33274-2022

Date of decision: - 07.09.2022

Preety Devi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.26 dated 18.02.2022, under Sections 306 and 34 IPC, registered at Police Station Machhiwara, Police District Khanna.

On 01.08.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, there is no suicide note and Paramjit Mandal and Preety Devi are brother-in-law and sister of the deceased respectively who have been married for the last 13 years and have two minor children. It is further submitted that there is no medical record in order to prima facie show that there was any beating incident that had taken place on 12.02.2022. It is contended that even as per the FIR, the alleged incident had taken place on 12.02.2022 and suicide, is alleged to have been committed on 15.02.2022 i.e. after a period of three days. It is the argument of

*learned counsel for the petitioner that in fact, Anand Kumar had solemnized love marriage with Muskan six months back and whole family of Anand Kumar were against the said marriage and parents of the deceased Anand Kumar were forcing him to leave the house and live separately and on account of the same, Anand Kumar was under pressure and it is the parents of the said Anand Kumar who are responsible for his death. It is further contended that the conduct of the parents of deceased Anand Kumar is also very suspicious because ASI Harvinder Singh had written a letter to the Medical Officer, Civil Hospital, Machhiwara Sahib to record the statement of the patient Anand Kumar but surprisingly the hospital authorities informed him that the patient alongwith his relatives left the hospital without their permission. It is further argued that at any rate, offence under Section 306 of IPC is not made out and has thus, relied upon judgment passed by a Coordinate Bench of this Court in **CRM-M-13053-2017 titled as Varinder Kumar @ Bita and others Vs. State of Punjab and another, decided on 22.08.2019** and also the judgment passed by the Hon'ble Supreme Court in **Gangula Mohan Reddy Vs. State of Andhra Pradesh** reported as **(2010) 1 SCC 750**.*

Notice of motion for 07.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of other connected case.

(VIKAS BAHL)
JUDGE

01.08.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sikander Singh, has submitted that the petitioner has joined the investigation and is

not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 01.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No