

203-A

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

CRM-M-36220-2021

Date of decision : 14.03.2022

Monika Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Akhilesh Vyas, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.92 dated 29.07.2021 registered under Sections 306 and 34 of the Indian Penal Code, 1860 at Police Station Bhargo Camp, District Jalandhar.

On 03.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that deceased Manmohan Kumar was younger brother of complainant (Ravinder Kumar). Manmohan Kumar was married to Simran. A daughter took birth out of this

wedlock. The couple used to quarrel on petty matters. The allegations are that Simran and her parents used to harass Manmohan Kumar. Manmohan Kumar took a rented premises in the year 2017 and started living there with Simran and his minor daughter Mannat. In-laws of Manmohan Kumar continued to interfere in their matrimonial life. The brother of Simran namely Sukhwinder Singh Sukha came to the rented house of Manmohan Kumar and started living there. On being opposed by Manmohan Kumar, he had to leave the house only after 3-4 months. Due to the said reason, there was altercation between Manmohan Kumar and Simran.

On 23.07.2021, Simran made quarrel with Manmohan Kumar and called her parents, brother Sukhwinder Singh Sukha and nephew Abhi along with some unidentified persons. All of them gave beatings to Manmohan Kumar. Manmohan Kumar committed suicide on 29.07.2021 by consuming some poisonous substance.

Learned counsel for the petitioner submits that there is no overt-act attributed to the petitioner, who is mother-in-law of deceased Manmohan Kumar. Ingredients of offence under Section 306 IPC are missing altogether. Simran has filed CRMM No.33024 of 2021 for grant of anticipatory bail, which is pending for 01.11.2021 with ad interim bail.

Notice of motion for 01.11.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 07.09.2021 at 11.00 a.m. and in the event of her arrest, she shall be enlarged on interim bail, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to

be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

To be heard along with CRM-M No.33024 of 2021.

03.09.2021

Sd/-(RAJ MOHAN SINGH)

JUDGE ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 03.09.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from SI Sandeep Kaur, has submitted that the petitioner has joined the investigation on 06.09.2021 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 03.09.2021 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 03.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

14.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No