

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

105

CRM-M-32574-2022

Date of decision: 28.07.2022

SUKHDEEP KAUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner, seeks the indulgence of this court, for grant of anticipatory bail.

2. In FIR bearing No.41 of 05.06.2022, registered at Police Station Kotfatta, District Bathinda, offences constituted under Sections 306/506/34 IPC, are embodied.

3. In the FIR (supra), the incriminatory role as drawn against the present bail petitioner, becomes founded upon a dying declaration, appended as Annexure P-2, as, made by the deceased one Jashan, wherein, she echoes, that her family members are responsible for her death, as they are against her being in a love relationship with one Saman. The contents carried in the suicide note, appended as Annexure P-2, are extracted hereinafter.

“ My family members are responsible for my death. They

are against my love. I do not want to say anything. I love Saman very much. I love you Saman so much. My family may kindly be strictly punished. Saman be sent to his home with respect. I love you Saman.”

4. The incriminatory role as assigned to the present bail petitioner, as stated (*supra*), becomes founded upon Annexure P-2, but the attribution of criminality to the present bail petitioner, if is made dependent upon Annexure P-2, thereupon it was to be also carrying inculpable articulations therein, even with respect to the present bail petitioner, but a studied perusal of the above extracted suicide note, as made by the deceased Jashan, does not unfold, that there is any iota of attribution of any incriminatory role, to the present bail petitioner, in hers committing suicide, rather she makes an attribution of criminality only to her family members.

5. Since the present bail petitioner is not a part of the family of the deceased, thereupon, the inculpation, as drawn against the present bail petitioner, and, as becomes anchored upon Annexure P-2, is *prima facie*, at this stage, completely mis-founded.

6. Moreover, also, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of hers fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

7. Consequently, the present petition is allowed, and, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of her arrest, she may not be arrested by the investigating officer concerned, but

subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when she is summoned through a written Hukamnama, she shall ensure hers rendering her cooperation to the investigating officer.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

28.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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