

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

Sr. No.207-2

CRM-M-40853-2021

Date of decision: 31.01.2022

Pawandeep Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kewal Krishan, Advocate
for the petitioner.

Mr. Rehat Bir Mann, DAG, Punjab.

Mr. Sunil Mallan, Advocate,
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.212 dated 22.08.2021 registered under Sections 306, 34 IPC at Police Station Haibowal, District Ludhiana.

On September 29, 2021, this Court had passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.212 dated 22.08.2021, registered for offences under Sections 306 and 34 of the Indian Penal Code, 1860, at Police Station Haibowal, District Ludhiana (Annexure P-2).

Counsel for the petitioner urges that the marriage of the petitioner was solemnized with the deceased, Lovepreet Singh on 01.03.2021, who unfortunately committed suicide within six months of marriage on 20.08.2021. Counsel contends that the allegation levelled against the

petitioner is that she and her family were trying to sell gold ornaments of the mother of deceased, despite his opposition and were harassing him as a result of which, he committed suicide. It is his argument that the very basis of story set up in the FIR is highly unbelievable. He has referred to a Panchayati Compromise dated 27.07.2021 (Annexure P-1) entered into between the deceased, his father, who is the complainant, and the petitioner, to contend that the deceased was not doing any work and under this compromise, he agreed to take up some avocation. Counsel submits that there was a dispute between the deceased and his father, which impelled him to take the extreme step. He urges that no covert or overt motive has been attributed to the petitioner so as to fall within the mischief of abetment as defined in Section 107 of the Indian Penal Code, 1860.

Counsel submits that the viscera report is yet to be received, so it is not possible to determine the cause of death, at this stage. He submits that the petitioner had filed CRM-M-35812-2021, which was withdrawn after arguments on 01.09.2021 (Annexure P-5), wherein she sought a fair and transparent enquiry by a senior police official in the FIR (Annexure P2), registered by the father of the deceased. Still further, he submits that the petitioner was granted interim protection by the learned Additional Sessions Judge, Ludhiana, vide order dated 03.09.2021 (Annexure P-3), and in pursuance thereto, she joined the investigation, and on the adjourned date, even though, the Investigating Officer made a statement before the Court that she is no longer required for custodial interrogation, but the bail application was dismissed, vide order dated 21.09.2021 (Annexure P-4).

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab accepts notice on behalf of respondent-State. Mr. Sunil Mallan, Advocate has put in appearance on behalf of the complainant. Counsel representing the complainant submits that there is sufficient incriminating material against the petitioner, which he seeks to place on record.

List on 31.01.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that her custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 29.09.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

January 31, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No