

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(312)

CRM-M-41734-2022

Date of decision: - 30.11.2022

Muskan Chauhan and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Ritu Punj, Advocate,
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. G.S. Brar, Advocate
and Ms. Armaan Saggar, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.136 dated 20.08.2022, under Sections 306 and 120-B IPC, at Police Station Punjab Agriculture University, Ludhiana, District Ludhiana.

On 13.09.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners inter alia contends that the petitioners got married on 09.10.2019 and from their wedlock, a daughter was born who is two years of age and petitioner No.1 is

*doing the job of designing and petitioner No.2 is running a Fast Food Shop at Ludhiana and they are well settled in their life. It is further submitted that on 04.05.2009, the elder sister of petitioner No.1 namely, Sargam, was married to one Sandeep Sahai and the said marriage originated from love affair and they have two children and the said persons are residing separately from the present petitioners and the house of the present petitioners is 10 kms away from the house of sister of petitioner No.1 namely, Sargam. It is contended that as per information of petitioner No.1, her sister namely Sargam and her husband Sandeep Sahai were not having good relations with the mother-in-law of the said Sargam Sahai and there were constant quarrels and sister of petitioner No.1 had disclosed that her husband (deceased) had sent her a whatsapp message which would show that he was not happy with his mother and mother's brother and sister and regarding the same, reference has been made to the reproduction of the Whatsapp message in para 4 of the petition. It is further contended that there is a delay of four days in registration of the FIR inasmuch as the alleged suicide had been committed on 16.08.2022 whereas, the FIR has been registered on 20.08.2022 and the petitioners have not been specifically named in the FIR and there are no specific allegations against the petitioners qua instigation so as to constitute the offence under Section 306 of IPC. It is argued that the petitioners are not involved in any other case and they had even sought a copy of CD of the alleged video clip and as per report dated 08.09.2022 (Annexure P-3), the said CD has no data. Reliance has been placed upon the judgment passed by the Coordinate Bench of this Court in **State of Punjab Vs. Kamaljit Kaur @ Bholi and another** reported as **2008(2) RCR (Criminal) 562**, judgments passed by the Hon'ble Supreme Court in case **Netar Dutta Vs. State of West Bengal**, reported as **AIR 2005 SC 1775** and in **Vaijnath Kondiba Khandke Versus State of Maharashtra and another**, reported as **2018(3) RCR (Criminal) 133**, in support of his arguments.*

Notice of motion.

On advance notice, Mr. Tarun Aggarwal, Sr. DAG, Punjab, appears and accepts notice on behalf of the State and Mr. Tushaar Madaan, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 29.11.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

Learned counsel for the State and complainant would be at liberty to produce on record all the relevant documents on the next date of hearing in order to show that the petitioners are not entitled for grant of anticipatory bail.

(VIKAS BAHL)
JUDGE

13.09.2022"

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

Learned State counsel, on instructions from ASI Joginder Pal, has submitted that although, the petitioners have joined investigation, but they are required for further investigation as the name of the seventh accused person is yet to be disclosed by the present petitioners.

Learned counsel for the petitioners has submitted that six petitioners have filed four petitions, which are listed today and the seventh person, namely, Gagandeep, has also filed a petition for anticipatory bail before the learned Additional Sessions Judge, Ludhiana and the same is listed for today.

Keeping in view the abovesaid facts and circumstances, more so, the facts which have been noticed in abovesaid order dated 13.09.2022 and also the fact that the petitioners have joined the investigation, the present petition is allowed and the interim order dated

13.09.2022 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.

November 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No