

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(312-1)

CRM-M-45901-2022

Date of decision: - 30.11.2022

Sargam Shahi 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 30.09.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners, inter alia, contends that petitioner No.1 got married on 04.05.2009 to the deceased and was blessed with a daughter in the year 2010 and son in the year 2013 and

petitioner No.2 is mother of petitioner No.1, who is 57 years old and is stated to be staying around 10 kms away from petitioner No.1. It is further contended that petitioner No.1 is a house maker and is taking care of her children. It is argued that there was some dispute between the deceased and his mother regarding which an application dated 07.09.2021 (Annexure P-2) had been given to the Police Commissioner, Ludhiana by the deceased, in which, he had stated that apart from other persons, his mother Shashi Kanta, who is complainant in the present case, wanted to grab his share from the house in question and all the said accused persons including his mother tried to kill the deceased. It is further argued that the mother-in-law of petitioner No.1 has got the present FIR registered against the petitioners on false allegations. It is submitted that even in case the allegations in the FIR are taken on face value, then also the offence under Section 306 IPC would not prima facie be made out. 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 "Vajnath Kondiba Khandke Versus State of Maharashtra and another", reported as 2018(3) RCR (Criminal) 133, in support of his arguments.

Notice of motion for 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.

To be heard along with CRM-M-41734-2022.

(VIKAS BAHL)
JUDGE

September 30, 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 30.09.2022 and also the fact that the petitioners have joined the investigation, the present petition is allowed and the interim order dated 30.09.2022 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?
Whether reportable?

Yes/No
Yes/No