

206(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-194-2023 (O&M)
Date of Decision: 17.08.2023

Kulwant Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Punia, Sr. Advocate with
 Ms. Harveen Kaur, Advocate,
 for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab
assisted by SI Gulab Singh.

Mr. Sukhchain Singh Dhillon, Advocate for
Mr. J.S. Mundi, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.222 dated 02.11.2022, under Section 306, 420 and 120-B IPC registered at Police Station Sadar Dhuri, District Sangrur.

2. Allegations against the petitioner are that she abetted her son-in-law to commit suicide.

3. The Coordinate Bench of this Court vide order dated 06.01.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.222, dated 02.11.2022, under Section 306 IPC, registered at Police Station Sadar Dhuri, District Sangrur (offence under Section 420 read with Section 120-B IPC added later on).

Learned counsel for the petitioner inter alia contends that the petitioner happens to be the mother-in-law of the deceased and perusal of the allegations levelled in the FIR do not make out any case against her of abetment or instigation as required under Section 306 IPC.

Learned counsel for the petitioner also refers to an order dated 02.12.2022 passed by this Court in CRM-M-55745-2022, vide which, the co-accused of the petitioner has already been granted the concession of anticipatory bail.

Notice of motion.

On the asking of this Court, Mr. Tarun Aggarwal, Sr.DAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Jatinder Singh Mundi, Advocate has put in appearance on behalf of the complainant and filed vakalatnama.

List on 27.03.2023.

In the meantime, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, she shall be admitted to interim bail to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she joined investigation and her custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated dated 06.01.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

17.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No