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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2105-2022

Date of Decision:13.03.2023

BHAJAN KAUR ALIAS HARBHAJAN KAUR AND ANR

..... Petitioners

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Jasraj Singh, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab
assisted by ASI Deepak Kumar.

None for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 19.01.2022 following order was passed:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail in FIR No.265 dated 25.12.2021, registered for offence under Section 306 of the Indian Penal Code, 1860, at Police Station Civil Lines Batala, District Gurdaspur (Annexure P-1).

FIR (Annexure P-1) has been registered by the mother of the deceased on the allegation that her grand daughter (daughter of Sonia deceased) had eloped with one Laddu. It has been alleged that the petitioners, who are the neighbours of the deceased, alongwith Laddu and Jassi were harassing her, quarrelled and abused her, impelling her to commit suicide.

Counsel contends that the deceased, who was a widow, was depressed as the whereabouts of her daughter were not known despite a lapse of one month and the veracity of the video recording, which finds mention in the FIR, is yet to be determined. It is his argument that the petitioners cannot be said to have instigated the deceased to commit suicide and necessary ingredients of Section 107, IPC are not satisfied. He submits that the petitioners, who have a clean past, are ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of respondent-State.

Let the State file a status report before the next date.

List on 21.04.2022

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

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 19.01.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

13.03.2023
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>