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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8755-2023
Date of decision: 04.09.2023

SURJIT KUMAR @ LAADI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Satnam Singh Thakur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. On 20.02.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“The present petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.0152 dated 30.11.2022 under Sections 306 and 34 of IPC, registered at Police Station Ladhuwal, Ludhiana.

Petitioner is the father-in-law of the deceased and the allegations are that he had harassed the deceased/daughter of the complainant to the extreme steps of committing suicide.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of the respondent-State. Mr. Akshay Chadha, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama, which is taken on record.

Learned State counsel, on instructions from SI Virender Pal, has vehemently opposed the present petition by submitting that the petitioner was duly named, as he had harassed the deceased before she took the extreme steps and, moreso, the death has occurred within two years of the marriage and, therefore, Section 304-B of IPC is also attracted. Moreso, it is admitted case of the complainant that the deceased was living with him for the last three months before the date of incident and the immediate instigation was that she got to know from someone that her husband has gone abroad without telling her.

Learned State counsel, assisted by counsel for the complainant, has further submitted that, in fact, an appropriate application has been moved before the trial Court for including Section 304-B of IPC, which is pending. Learned counsel for the complainant has submitted that

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before the untoward incident whereby daughter of the complainant committed suicide, there were regular complaints of harassment on account of dowry meted out to the deceased, for which five times Panchayat was held and even once the Panchayat was held after the deceased came back to her parental home. He further submits that a complaint before the Mahila Mandal was also lodged by the deceased herself. Therefore, the allegations of harassment were alleged much before the incident. He further submits that till date, the husband has not surrendered and has not filed any anticipatory bail petition and there is every likelihood that the orders passed in the present case as well as in the case of brother-in-law shall be misused as a precedent to seek anticipatory bail from the Court below.

Per contra learned counsel for the petitioner has submitted that the mother-in-law and the husband of the deceased have not gone abroad and are very much here and has also submitted that the son of the petitioner shall surrender before the Police Authorities and, thereafter, seek appropriate remedy, as per law.

Heard the learned counsel for the parties.

Without commenting upon the merits of the case, the petitioner is directed to join investigation on 27.02.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 23.03.2023.

In the meanwhile, learned State counsel is directed to file a status report and counsel for the complainant is also granted liberty to place on record any other document for the final adjudication of the present petition.

However, it is made clear that the present order and the order passed in CRM-M-6925-2023 shall not be used as a precedent to seek any relief from the Court below, by other co-accused.”

2. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions. The wife, another son of the petitioner and husband of the deceased have been granted anticipatory bail

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passed in CRM-M-32573-2023, CRM-M-6925-2023.

3. On instructions from ASI Kewal Krishan, learned State counsel has not disputed the aforesaid factual aspects and submits that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the aforesaid submissions, the order dated 20.02.2023, granting interim bail to the petitioner is made absolute.
5. The petition is allowed.

04.09.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No