

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

201 (2 Cases)

CRM-M-9702-2022

Date of Decision: 14.03.2023

Safahia

...Petitioner

Versus

State of Punjab

...Respondent

With

CRM-M-11860-2022

Saif Ali Alias Saifu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mrs. R.K. Grewal, Advocate for the petitioners
(in both cases)

Mr. Amish Sharma, AAG, Punjab

(assisted by H.C. Gurpreet Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 22.11.2022, the following order was passed:-

“It has been submitted by learned counsel for the petitioner that petitioner-Safahia is chacha sasur (in CRM-M-9702-2022) and petitioner-Saif ali @ Saifu is brother-in-law (in CRM-M-11860-2022) of the deceased. She submits that Remudin was married with Bhanni about 7-8 years ago. She further submits that

the petitioners were living separately from the matrimonial home of the deceased and she committed suicide by consuming poison on 08.09.2018. Petitioner-Safahia and his son, both were implicated in the FIR on the basis of frivolous allegations of beating the deceased. She submits that the husband and father-in-law of the deceased had been arrested and have already been granted regular bail. She submits that there are allegations regarding causing injury to the deceased with rod which are not substantiated by the postmortem as there were no injuries as alleged. She submits that the arrest of the petitioner in the FIR under Section 302 IPC was also mentioned. However, during investigation, the same was deleted and now the petitioner is facing the prosecution for the offence under Section 306 IPC. She submits that in the facts and circumstances of the case, offence under Section 306 IPC read with Section 107 IPC is not made out as the same does not constitute the abetment or instigation.

Learned State counsel has drawn the attention of this Court to the status report filed in CRM-M-9702-2022 wherein cause of death of the deceased is mentioned as Organophosphorus Compound i.e. poison. He, on instructions from ASI Pritam Masih, submits that as the arrest of the petitioners was stayed, the case is under investigation qua them.

In the facts and circumstances of the case, interim orders dated 08.03.2022 and 22.03.2022 are modified to the extent that in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating

Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- I. That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.*
- II. That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.*
- III. That the petitioners shall not leave India without prior permission of the court.*

List on 14.03.2023.

Photocopy of this order be placed on the file of connected case.”

Learned State counsel, on instructions from HC Gurpreet Singh, submits that petitioners have joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 22.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioners or their 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

14.03.2023
Mohit Kumar

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