

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14084-2023 (O&M)
Date of Decision : 16.08.2023

Shanti DeviPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. L.K. Gollen, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.63 dated 02.02.2023 registered under Sections 306, 34 of the Indian Penal Code, 1860 (later on 304-B IPC was added) at Police Station Saran District Faridabad.
2. The petitioner in the present case is the mother-in-law of the deceased.
3. On 20.03.2023 the following order was passed :

“The present petition is for grant of anticipatory bail to the petitioner in case FIR No.63 dated 02.02.2023 under Sections 306 and 34 of IPC (later on

Section 304-B of IPC was added), registered at Police Station Saran, District Faridabad.

Learned counsel for the petitioner has vehemently argued that the ingredients of Section 306 of IPC are not made out, as in the FIR, it was stated that deceased was residing in her parental home for the last two months and there is no sudden instigation on the part of the petitioner detailed in the FIR. He further submits that the petitioner is ready to join the investigation.

Notice of motion.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana, accepts notice on behalf of the respondent-State.

Accordingly, without commenting on the merits of the case, the petitioner is directed to join investigation on 27.03.2023 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 25.05.2023”.

4. Learned counsel for the petitioner would contend that neither the petitioner i.e. the mother-in-law had any role to play nor was there any instigation on her part to attract the ingredients of Section 306 IPC. It is further the contention that the deceased was residing at her parental house since two months prior to the date of incident. Learned counsel would further contend that the petitioner has since joined investigation and has fully cooperated.

5. Learned counsel for the State, on instructions from ASI Surender Singh, states that the petitioner has since joined investigation and is fully co-operating and that she is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 20.03.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

August 16, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO