

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 102

Criminal Miscellaneous No.M-14775 of 2023

Date of Decision: March 23, 2023

Krishna Rani

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Kuldip Singh, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.133 dated 29.08.2020 under Sections 306, 354, 506, 34 IPC registered at Police Station Arniwala, District Fazilka, wherein the petitioner has been summoned as additional accused by the Additional Sessions Judge vide order dated 27.01.2023 (Annexure P-2).

2. The allegation against the petitioner, 34 years of age, is that she provided the complainant's mobile number to her brother-in-law, Balwinder Singh @ Binni, for defaming her. Balwinder Singh and Balwant Singh used to threaten the deceased and tease him too. On being harassed, the complainant's brother allegedly committed suicide.

3. Learned counsel for the petitioner contends that after investigation, challan was filed only against Balwinder Singh, and the petitioner was placed in column 2. During trial, she has been summoned as additional accused under Section 319 Cr.P.C. by the Additional Sessions

Judge, vide order dated 27.01.2023, only on the allegations having been repeated in her testimony by the complainant as PW-1. This is not a sufficient ground to summon the petitioner as additional accused. There is no material on record which could even *prima facie* establish that the deceased was ever subjected to any harassment by her leading to his taking the extreme step of committing suicide.

4. Notice of motion.

5. Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State, and on instructions from HC Pawan Kumar, does not deny that petitioner was found innocent after investigation, and his custody is no longer required by the investigating agency.

6. Since the petitioner has been summoned as additional accused during trial, and her custody is not required by the prosecuting agency, she is directed to appear before the trial Court within a week from today. Upon doing so, the petitioner shall be admitted to bail to the satisfaction of trial Court.

7. Disposed of accordingly.

(Tribhuvan Dahiya)
Judge

March 23, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No