

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

203

CRM-M-15816-2023
Date of decision: 03.07.2023

Shavinderpal Kaur @ Surinder Pal Kaur @ Shavindro

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ishan Gupta, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. Rahul Sharma, Advocate
for the complainant

AMAN CHAUDHARY. J.

1. On 19.04.2023, this Court had passed the following order:-

“CRM-15794-2023

For the reasons stated in the application, same is allowed. AnnexureS P-6 to P-11 are taken on record subject to all just exceptions.

CRM-M-15816-2023

The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.191 dated 09.09.2022, registered under Sections 306, 120-B of the IPC at Police Station Sarabha Nagar, Ludhiana.

Learned counsel contends that there is no mens rea attracted as per the FIR to abet the crime. The veracity of the suicide note is doubtful as it was in the possession of the in-laws of the deceased and his wife has made false allegations against the petitioner in order to extract money. The allegation levelled in the FIR is that the petitioner was pressurizing the deceased to transfer 1 kanal of land

that was in his ownership, is false as the petitioner and her family are well off owning 7 acres of land. Her husband is a retired Government official having handsome pension and both their children are married and settled abroad. Even though, the deceased was disowned by the family in 2021, an effort had been made by him including the petitioner to help him immigrate to Canada as his parents and brother are settled abroad. However, he was unable to qualify for IELTS exam. No recovery has to be effected from the petitioner and she is not involved in any other criminal case. She is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 25.04.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 30.05.2023. ”

2. Learned counsel submits that in pursuance of the above order, the petitioner has not only joined investigation, but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.
3. Learned State counsel on instructions from SI Rashpal Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 19.04.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

03.07.2023
Mehak

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