

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-16373-2023

Date of Decision: 10.04.2023

Harbinder Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Harjinder Singh, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 160 dated 30.6.2019 registered under Section 306 IPC at Police Station City, District Kapurthala.

Briefly stated, facts of the case, as per the prosecution story are that one Talwinder Singh, a computer teacher at MGN School, Kapurthala, had committed suicide by hanging from the ceiling fan. He had left a suicide note naming various persons, who used to harass him, compelling him to take extreme step of committing suicide. Name of petitioner – Harbinder Kaur figured in that suicide note. On the matter being reported to the police by widow of deceased, namely, Mrs. Maninder Kaur, formal FIR was recorded.

Apprehending her arrest in this case, petitioner-Harbinder Kaur had approached the Court of Sessions at Kapurthala, craving for

grant of anticipatory bail. Her application to that effect which was assigned to Additional Sessions Judge, Kapurthala, was dismissed vide order dated 09.01.2020 (Annexure P-3). As such the petitioner has approached this Court, for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner, *inter alia*, contends that petitioner was not named in the FIR. She is an household lady and had not done any act which might have compelled the deceased to commit suicide. She is not connected with the deceased in any manner. Nothing has to be recovered from her, therefore, her custodial interrogation is not necessary. He further contends that co-accused of the petitioner, namely, Sarabjit Kaur, who is similarly placed, had already been granted the concession of anticipatory bail vide order dated 15.07.2021 (Annexure P-2) passed by a Co-ordinate Bench of this Court in CRM-M-50603-2019. Thus, it is prayed that the petitioner also deserves to be granted such concession on the ground of parity.

Though learned State counsel has opposed the petition, but he has not disputed the fact that co-accused of the petitioner namely, Sarabjit Kaur, had already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.07.2021 (Annexure P-2). Furthermore, no recovery is to be effected from the petitioner, her custodial interrogation is not required by the local police.

Thus in view of the detailed discussion above, the present

petition is disposed of with a direction to the petitioner to appear before the Investigating Officer within 15 days from today to join investigation and on her appearance, she shall be released on interim anticipatory bail on her furnishing bail/surety to the satisfaction of Investigating/Arresting Officer, subject to fulfillment of following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing.
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- lii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender her passport before the Investigating Officer and if she is not having passport then she shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

April 10, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No