

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17324-2022
Date of Decision: 07.07.2023

NIRMALA KAUR @ NIRMALA DEVI ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nitish Garg, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 35 dated 09.03.2021 under Section 306 IPC registered at Police Station Pasyana Patiala, District Patiala.

2. On 27.04.2022, following order was passed by the Co-ordinate Bench:

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated only for the reason that she is the mother-in-law of the deceased: the petitioner has no other criminal antecedents; the petitioner is the only lady in the family to take care of the deceased's minor child: there is no suicide note in support of the allegations made in the FIR; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the allegations in the FIR are vague and non-specific and in any case would not come under the definition of abetment under Section 107 IPC and that the petitioner is also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Ms. Gunkirat Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 29.08.2022.

Till the adjourned date, the petitioner's arrest is stayed.

Before the adjourned date, the State shall file a status report.”

3. Subsequently, in pursuance of the interim directions issued by the Court, the petitioner has also joined the investigation.

4. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

5. Learned State counsel, on instructions from ASI Balbir Singh, has submitted that the petitioner has joined the investigation and her custodial interrogation is not required. Moreover, at the earlier instance the cancellation report was submitted in the Court but further investigation is being conducted in pursuance of the directions issued by the Court of learned Illaqa Magistrate.

6. In these set of circumstances, the petition is allowed and it is directed that in the event of arrest, the petitioner shall be admitted on bail on furnishing personal and surety bonds to the satisfaction of the Arresting Officer. This order is subject to the condition that the petitioner shall join the investigation and comply with other conditions as specified under Section 438(2) of the Code of Criminal Procedure.

07.07.2023

Janki

(VIVEK PURI)
JUDGE

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