

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

204

CRM-M-17495-2023

Date of Decision: 12.05.2023

Ravinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Arnav Sood, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab
(assisted by HC Manjit Singh)

Mr. Ishan Khetarpal, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 13.04.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 0031 dated 14.3.2023, under Sections 306 and 34 IPC, registered at Police Station, Division E, District Police Commissionerate Amritsar.

Learned counsel for the petitioner inter alia contends that daughter of the complainant was in relation with son of the petitioner. They had stayed in Dubai. The deceased wanted to solemnize marriage with son of the petitioner. As per FIR, deceased contacted Jathedar, Aakal Takhat and he formed a committee for resolving the dispute. Son of the petitioner took time twice to settle the matter, however, he finally refused to marry with the deceased. The

deceased had left suicide note wherein she has not implicated the petitioner. The petitioner is not involved in any way. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab who is present in court on advance notice, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 19.4.2023 and thereafter as directed by IO.

In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting

officer. The petitioner shall co-operate the investigating officer. If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 12.5.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

2. Mr. Ishan Khetarpal, Advocate appeared and filed his Power of Attorney on behalf of respondent No.2/complainant. The same is taken on record. Registry is directed to tag at an appropriate place attorney.

3. Learned State counsel submits, on instructions from HC Manjit Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

4. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 13.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

12.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>