

2023:PHHC:110509

210-A

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

**CRM-M-19613-2023 (O&M)
Date of Decision : 23.08.2023**

Gurpreet Kaur & Another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ramneet Vasudeva, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG Haryana.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.39 dated 23.02.2023 registered under Sections 306, 34 of the Indian Penal Code, 1860 (Section 149 added subsequently) at Police Station Sadar Kharar, District SAS Nagar (Mohali).

2. On 21.04.2023 the following order was passed :

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.39 dated 23.02.2023 under Sections 306, 34 IPC (Section 149 IPC added later on), registered at Police Station, Sadar Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioner contends that the petitioners are married sister-in-law and brother-in-law of the deceased. They have been residing separately at Patiala, whereas the deceased and her husband were living at Kharar after the marriage on 23.01.2022. The petitioners had nothing to do with matrimonial affairs of the deceased. They were not even named in the FIR. It is only subsequently, on a supplementary statement of the complainant recorded on 24.02.2023, that allegations against them have been levelled, which apparently do not constitute ingredients of the offences alleged. The FIR itself records that for the last about eleven months, the complainant's daughter/deceased was living in a rented accommodation at Kharar, where she committed suicide. It is further submitted that the allegations against the petitioners have been levelled out of vengeance only to implicate the entire family. There is no suicide note or dying declaration of the deceased. Prior to lodging of the FIR, there has not been any complaint of any harassment against the petitioners by the deceased or her parents. On similar allegations, co-accused/mother-in-law has been granted interim bail by

this Court vide order dated 11.04.2023 passed in Criminal Miscellaneous No.M-17028 of 2023.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 23.08.2023.

To be heard with Criminal Miscellaneous No.M-17028 of 2023.

In the meanwhile, the petitioners shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest they shall be released on interim bail to the satisfaction of Arresting Officer. The petitioners shall also abide by the conditions of Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioners has stated that the petitioners have since joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Kulwinder Singh, states that the petitioners have since joined investigation and are fully co-operating and that they are no longer required for further custodial interrogation as of now. Learned state counsel further states that infact the challan has been presented only against the husband and father-in-law of the deceased.

5. In view of the above, the order dated 21.04.2023 is made absolute. The petitioners shall, however, join investigation as and when called for. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

August 23, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO