

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

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CRM-M-20011-2023

Date of decision: 24.08.2023

Anju

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhivadya Sood, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 24.04.2023, this Court had passed the following order:-

“1. This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0044 dated 11.03.2023 under Section 306 IPC, registered at Police Station Division No.6, District Police Commissionerate Jalandhar, Punjab.

2. Present FIR has been registered on the basis of statement of complainant Balram stating therein that he was labourer and his younger son Amrik was also labourer. His younger son Amrik fallen in love with petitioner-Anju daughter of Gurbaksh Ram for the last 4/5 years and they also solemnized marriage at a temple. Thereafter, their relations became strain and petitioner-Anju started giving complaints against Amrik to the police, due to which, Amrik used to remain in depression. On 10.03.2023, his son Amrik left the house without any intimation and at about 6:30 p.m., one auto-driver informed the complainant that his son Amrik has been admitted in civil hospital, Jalandhar by him as his son consumed some intoxicant substance. Complainant rushed towards civil hospital and found that his son was lying on a bed and was being treated by doctor. On 11.03.2023, his son died during treatment. Before his death, his son got viral a video blaming petitioner-Anju for committing suicide.

3. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in

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the present case. He further submits that ingredients of Section 306 IPC have not been fulfilled in this case as the petitioner was availing her legal remedy by approaching concerned authorities/Court, which does not amount to abetment to suicide. He further submits that deceased Amrik Singh was continuously raping the petitioner under the threat that he would viral her videos which the deceased prepared without consent of the petitioner and also clicked her nude photographs after giving her some intoxicant substance in the cold drink. She also filed a complaint/representation dated 27.09.2022 (Annexure P-2) to the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, and SHO, Police Station Banga, District Shaheed Bhagat Singh Nagar, and since no action was taken by the police against Amrik Singh, therefore, CRM-M48062 of 2022 titled 'Anju v. State of Punjab and others' was filed by the petitioner, for issuance of directions to State authorities, which was dismissed as withdrawn vide order dated 17.10.2022 (Annexure P-3) with liberty to the petitioner to seek remedy under Section 156(3) Cr.P.C. and consequently petitioner moved a complaint under Section 156(3) Cr.P.C. vide Annexure P-4, which is pending consideration. It has further been averred that petitioner is not involved in any other case and she is ready and willing to join the investigation.

4. Notice of motion.

5. Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent-State and seeks time to file reply/status report.

6. Mr. Vishal Mittal, Advocate, appears and files his memorandum of appearance on behalf of the complainant, which is taken on record. He is directed to file his power of attorney in the registry before the next date of hearing.

7. Adjourned to 24.08.2023.

8. In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. She shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

1) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so.

2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the court.

9. Let needful be done before the next date of hearing with advance copy to learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that in pursuance of the

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aforesaid 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 ASI Sushil Kumar 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 24.04.2023 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

24.08.2023*Ankur*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No