

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

209

CRM-M-29043-2022

Date of Decision: 15.02.2023

Neeraj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rajneesh Malhotra, Advocate for
Mr. Tek Tajinder Singh, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Kalvinder Singh)

JAGMOHAN BANSAL, J. (ORAL)

Status report by way of affidavit of Daljit Singh, Deputy Superintendent of Police, Sub-Division Garshankar, District Hoshiarpur filed by respondent-State is taken on record. Registry is directed to tag at appropriate place.

On 11.07.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.86 dated 03.06.2022, registered for offences under Sections 304-B and 34 of the Indian Penal Code, 1860, at Police Station Garhshankar, District Hoshiarpur, Punjab (Annexure P-1).

By making a reference to the Identity Card (Annexure P-2), counsel for the petitioner contends that the petitioner, who is 25 year old sister-in-law of the deceased, is enrolled with a private institute at Chandigarh and has been preparing for Civil Services Examination. He submits that the petitioner has been

mostly residing at Chandigarh with her relatives and rarely visits her paternal home. Counsel has referred to the allegations levelled in the FIR, to submit that the petitioner along with coaccused are alleged to have forced the deceased to do household works and they are accused of treating the deceased as servant.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. He submits that Identity Card (Annexure P-2) and stand of the petitioner is yet to be verified. He, however, has instructions to state that Balwinder @ Binder, husband of the deceased, has surrendered.

List on 14.11.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Kalvinder Singh, submits that petitioner has already joined investigation and no custodial interrogation is required. He further submits that challan stands presented.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 11.07.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his 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.

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

15.02.2023
Mohit Kumar

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