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

CRM-M-30286-2023 (O&M)

Date of decision : 17.10.2023

Sumedha Dixit

...Petitioner(s)

Versus

Union Territory, Chandigarh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vijay Deep Rathee, Advocate,
for Mr. Balraj Singh Rathee, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, APP, U.T. Chandigarh.

Mr. Sanjiv Sheoran, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-41913-2023

Application for placing on record copy of CFSL report dated 17.02.2023 as Annexure R-1 is allowed as prayed for, subject to all just exceptions.

Registry will do the needful.

Main case

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.38 dated 11.05.2023, under Section 306 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sector 49, Chandigarh.

2. Allegations against the petitioner are that she abetted and instigated her husband, Akhilesh Trivedi, to commit suicide.

3. This Court, on 12.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends, inter-alia, that FIR in question was lodged after 5 months of the alleged occurrence.

Notice of motion.

Mr. Shashank Bhandari, Addl. PP, UT accepts notice and seeks time to have instructions in the matter.

Mr. Sanjiv Sheoran, Advocate, appears on behalf of the complainant and seeks time to file response for opposing the petition.

Posted on 27.07.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and her custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned Counsel for the U.T, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of fact that Investigating

Officer is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

7. In view of above, interim order dated 12.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

17.10.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No