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

**CRM-M-30610-2023 (O&M)
Date of decision : 26.07.2023**

Ujala @ Ojala Rani

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikrant Vij, Advocate,
for Mr. Kuldeep Singh, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Ms. Riffi Birla, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.68 dated 25.04.2023, under Section 306 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sadar Fazilka, District Fazilka.

2. It transpires that above FIR was registered on the basis of statement made by one Kashmir Singh to the effect that petitioner had abetted her husband (Sukhchain Singh), to commit suicide by hanging.

3. This Court, on 15.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends that petitioner was not present at the time of alleged occurrence; nor she abetted the deceased to commit suicide in any manner. Further contended that as a matter of fact, the complainant as well as his family members were harassing the deceased on account of his love marriage with the petitioner.

*Notice of motion for **26.07.2023**.*

On asking of the Court, Ms. Monika Jalota, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent and seeks time to have instructions or file response in the matter.

Ms. Riffi Birla, Advocate, appears and has filed vakalatnama on behalf of the complainant, which is taken on record.

Requisite copies of paper-book be supplied to the counsel(s) opposite during the course of day.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of her 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. It is submitted that in terms of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage. Reply filed by way of affidavit of Mr. Shubeg Singh, PPS, Deputy Superintendent of Police, Sub

Division, Fazilka, dated 25.07.2023, is also taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

6. Although, learned counsel for the complainant opposed the prayer of petitioner, but in view of the fact that the Stata is not asking for custodial interrogation of petitioner, hence objection so raised is rejected.

7. In view of the above, interim order dated 15.06.2023, 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.

8. 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.

9. Disposed off accordingly.

26.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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