

209(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-30962-2023 (O&M)

Date of Decision: 27.07.2023

Sonia @ Sonia Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kumar Bokolia, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG Punjab.

Mr. Karanjeet Singh Brar, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.34 dated 23.05.2023, under Section 306 read with Section 34 IPC registered at Police Station Sadar Abohar, District Fazilka.

2. Naresh Kumar committed suicide on 22.05.2023. Petitioner, who is wife of the deceased, is alleged to have harassed and abetted said Naresh Kumar to commit suicide.

3. This Court vide order dated 03.07.2023, granted interim bail to petitioner and the same reads as under:-

“Status report by way of affidavit of Mr. Davinder Singh, PPS, DSP (Rural), Abohar, District Fazilka, filed by learned State counsel, is taken on record. Copy thereof supplied to the other side.

Registry will do the needful.

Learned counsel for the petitioner contends that co-accused with similar allegations has already been granted the concession of pre-arrest bail in CRM-M-30192-2023.

*Learned State counsel as well as learned counsel for the complainant seeks time to file short affidavits in the matter.
Posted on 27.07.2023.*

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 the Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she joined investigation and her custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated 03.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. 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.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

27.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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