

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M-32573-2023

Date of Decision: 28.08.2023

Amarjit Kaur and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S. Thakur, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Akshay Chadha, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners are seeking anticipatory bail in case FIR No. 0152 dated 30.11.2022 registered under Section 306 read with Section 34 IPC at Police Station Ladhuwal, Ludhiana.

On 13.07.2023, this Court had passed the following order :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No. 0152 dated 30.11.2022, under Section 306 IPC read with Section 34 IPC, registered at Police Station Ladhuwal, District Ludhiana.

Learned counsel for the petitioners contends that petitioner No.1 is mother-in-law and petitioner No.2 is husband of the victim/deceased. Learned counsel submits that there are only general and vague allegations of domestic violence against the petitioners. Learned counsel submits that at the time when the deceased/victim left the matrimonial home, she was taken by her mother to her

parental home but she was not forced to leave or thrown out by the petitioners or other family members. It is submitted that the deceased was at her parental home, when she committed suicide. Learned counsel for the petitioners submits that no suicide note or anything has been recovered from the spot, therefore, there is no direct allegations against the petitioners connecting them to the crime in any manner. Learned counsel further contends that there is not a single allegation against the petitioners which proves that the petitioners abetted the suicide of the deceased/victim and nothing is to be recovered from the petitioners.

Notice of motion for 28.8.2023.

On asking of the Court, Ms. Kanika Sachdeva, AAG, Punjab accepts notice on behalf of respondent-State.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- iv) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required ;*
- v) that the petitioners 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 them from disclosing such facts to the Court or to any police officer ;*
- vi) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.*

Meanwhile, State counsel is directed to file detailed status report depicting the exact role of the petitioners along with the details of pending FIRs, if any, on or before the next date of hearing."

Learned counsel for the petitioners submits that in compliance of the order dated 13.07.2023 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from Inspector

Varinder Paul states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation, and are co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 13.07.2023 granting interim bail to the petitioner is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

28.08.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No