

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

207-II

Criminal Misc. No. M-38543 of 2023

Date of decision :-13.10.2023

Mandeep Kaur @ Mehak

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Chanchal K. Singla, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
assisted by HC Gurmeet Singh.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.105 dated 12.5.2023, under Section 306 IPC, registered at Police Station Kotwali, Patiala.

On 07.8.2023, 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 petitioner in case FIR No.105 dated 12.5.2023, under Section 306 IPC, registered at Police Station Kotwali, Patiala, District Patiala.

The FIR was registered on the statement of Jaswant Singh, father of the deceased Pooja @ Harjot Kaur, who has stated that he has four children i.e. two daughters and two sons. His younger daughter Pooja @ Harjot Kaur was married to Maan Singh @ Monu son of

Mahinder Singh, r/o Sidhsar Colony near Nath Takian Wala Alauhran Khurd, Nabha on 17.1.2016. She had two children i.e. one son Ramneet Singh aged about 6 years and daughter Prabhjot Kaur aged about 4 years. Disputes started arising between his daughter and her husband shortly after solemnization of marriage due to which a case was also instituted by his daughter. On 10.5.2023 at about 8.30 AM, she left her children in the school and thereafter, went to Amar Hospital on duty. She used to come at home at 2.00 PM, but that day, she did not return until 5/6 PM. On enquiring, the staff of the Amar Hospital told that she did not come on duty. Thereafter, he came to know that one dead body was found near Passiana in Bhakhra canal. Divers sent photograph of dead body, which was of his daughter Pooja. She committed suicide due to harassment suffered at the hands of her in laws. He has also stated that on 9.2.2023, his daughter went to in laws house, but she was not allowed to enter in the house and quarrel took place, qua which, application was given to police. The husband of deceased has kept another lady as his wife and other family members namely Sudesh Rani, Mehak, Sher Singh, Pammo, Mani, Rinku were siding with him. His daughter was not allowed to settle in the matrimonial dispute, despite the fact that she begged for that several times, due to which, she has committed suicide by jumping into Bhakhra canal on 10.5.2023.

Learned counsel for the petitioner submits that the petitioner is sister-in-law of the deceased Pooja @ Harjot Kaur and has been falsely implicated in the present case. It is submitted that the marriage between deceased Pooja @ Harjot Kaur and Mann Singh @ Monu (brother-in-law of the petitioner herein) was solemnized on 17.1.2016 and due to temperamental differences, the deceased Pooja @ Harjot Kaur started living separately from the last six years. It is

submitted that the marriage of the petitioner was solemnized with one Sher Singh on 22.01.2007 i.e. much before the marriage of the deceased with Mann Singh @ Monu. The petitioner is having two children and residing far away from the matrimonial home of the deceased and had nothing to do with the affairs of the deceased Pooja @ Harjot Kaur and Mann Singh @ Monu in any manner. It is submitted that the complainant has implicated all the relatives of the husband of the deceased without any reasons or specific allegations. It is submitted that the story put forth by the complainant is baseless as neither any suicide note mentioning involvement of the petitioner in the crime has been found nor the deceased has levelled any specific allegations against her, therefore, Section 306 IPC is not made out against her in the present case. Learned counsel submits that on the similar allegations, co-accused Pamo @ Pardeep Kaur has been granted the relief by this Court vide order dated 25.07.2023 passed in CRM-M-35050-2023 (Annexure P-7).

Notice of motion for 13.10.2023.

On asking of the Court, Mr. Madhur Sharma, AAG, Punjab accepts notice on behalf of respondent-State.

At this stage, Mr. G.S. Dhindsa, Advocate has put in appearance and filed Vakalatnama on behalf of complainant. The same is taken on record.

Learned State counsel, on instructions from ASI Lakhwinder Singh submits that the petitioner was residing in the same matrimonial home of the deceased.

To controvert this submission of learned State counsel, learned counsel for the petitioner has referred to Aadhar Cards of son and husband of the petitioner (Annexures P-2 and P-3 respectively as well as Ration Card (Annexure P-4) in which residential address of the

petitioner is differ from the address of the matrimonial home of the deceased.

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

- i) that the petitioner shall make herself available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioner 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 him/her from disclosing such facts to the Court or to any police officer ;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender her passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned State counsel, on instructions from HC Gurmeet Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 07.8.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join the investigation and cooperate with the investigating agency in case she is 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 petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 13, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No