

CRM-M-42241-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42241-2022
Date of Decision: 02.05.2023

Baljinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Subhash Godara, Additional, A.G., Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.155, dated 28.07.2022, registered under Section 306 of the Indian Penal Code, 1860, at Police Station Sadar Dhuri, District Sangrur.

2. On 15.09.2022 the following order was passed by Co-ordinate Bench of this Court :-

"The learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 45 years and mother-in-law of the deceased and even as per the allegations, the ingredients of Section 306 read with Section 107 IPC have not been fulfilled and mere alleged harassment itself does not constitute abetment to commit suicide.

Notice of motion.

Mr. Amit Rana, Sr. Deputy A.G., Punjab accepts notice on behalf of the State of Punjab and prays for some time to seek

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instructions.

Adjourned to 20.3.2023.

Meanwhile, the petitioner is directed to join the investigation and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel on instructions from ASI Nirmal Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 15.09.2022 passed by Co-ordinate Bench of this Court is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

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above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

02.05.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No