

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

204

CRM-M-49714-2022 (O&M)

Date of Decision:07.12.2023

Rammurti Kaur & Anr.

Versus

..... Petitioner(s)

State of Punjab & Anr.

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. Dinesh Maurya, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0241 dated 27.11.2021, under Section 306 of Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur.

2. On 16.11.2022, the following order was passed:-

“Petitioners have approached this Court praying for grant of anticipatory bail in case FIR No.0241 dated 27.11.2021, under Section 306 of IPC, registered at Police Station Bhawanigarh, District Sangrur. It has been contended by counsel for the petitioners that the petitioners before this Court are the parents-in-law of deceased-Rajinder Kaur @ Dimple. He has submitted that the son of the petitioners was married with

deceased-Rajinder Kaur @ Dimple about 11 years ago. He submits that the petitioners are the senior citizens and they had no role whatsoever in the matrimonial life of their son and that of the deceased. However, unfortunately, on 26.11.2021, Rajinder Kaur @ Dimple committed suicide by consuming poison and on account of the same, brother of the deceased i.e. complainant Maninder Singh @ Soni lodged false and frivolous FIR implicating the petitioners and their son. He submits that the allegations made in the FIR that his sister i.e. the deceased was not blessed with any child for 05 years and hence, she was being harassed, however, from the reading of the allegations, it is apparent that later on, she was blessed with twin boys. He submits that from the reading of the allegations ingredients of Section 107 IPC is not made out and thus, offence under Section 306 IPC is not attracted. He submits that the petitioners have no criminal antecedents and their custodial interrogation is not required. However, they are ready to join investigation.

Learned State counsel as well as complainant have opposed the prayer made by learned counsel for the petitioners and have stated that victim-Rajinder Kaur @ Dimple committed suicide by consuming poison on

account of harassment being caused to her by her in-laws and as such, petitioners are not entitled for any relief from this Court.

List on 01.03.2023.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

I. That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

II. 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.

III. That the petitioners shall not leave India without prior permission of the court.”

3. Learned counsel for the petitioners would contend that pursuant to the said order, the petitioners have joined investigation and have fully

cooperated.

4. Learned counsel for the State, on instructions from ASI Davinder Dass has stated that the petitioners have since joined investigation and have fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 16.11.2022 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

07.12.2023*Deepak Patwal***(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO