

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

201

CRM-M-50653-2022

Date of Decision: 22.02.2023

Pankaj Bhardwaj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 11.11.2022, the following order was passed :-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.123, dated 29.04.2022, under Sections 304-B, 498-A and 34 IPC, registered at Police Station Division No.8, District Jalandhar.

It has been contended by counsel for the petitioner that marriage of brother-in-law of the petitioner took place with the deceased on 11.06.2017 and they were blessed with one child also. He has submitted that the matrimonial discord, if at all, was between husband and wife and the petitioner, who is sister-in-law (Devrani) of the deceased, had no role, whatsoever, in causing any alleged harassment. He has submitted that the petitioner has no reason whatsoever in demanding any dowry from the deceased. He submits that the petitioner has been falsely implicated by the complainant only in order to harass the maximum number of members of

inlaws' family. He further submits that the petitioner alongwith her husband was living separately from the deceased and thus, there was no interference in the matrimonial life of the deceased by the petitioner. He submits that in view of the above-mentioned facts, no offence under Section 304-B IPC is made out against the petitioner. It is further submitted that petitioner has no criminal antecedents and hence she deserves to be granted the concession of anticipatory bail. He submits that in all there are three accused out of which two were arrested and now they have been released on bail.

Issue notice of motion for 28.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

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

- “(i) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so;*
- (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 from disclosing such facts to the Court or to any police officer;*
- (iii) That the petitioner shall not leave India*

without prior permission of the Court.”
State is directed to file status report on or
before the next date of hearing.”

In compliance of order of this Court, learned State counsel has filed reply by way of affidavit dated 20.02.2023 which is taken on record. Registry is directed to tag the same at appropriate place.

As per reply, the petitioner has joined investigation on 19.11.2022. The petitioner was arrested and thereafter released on bail. The *challan* qua co-accused stands filed and *challan* qua petitioner is ready and would be filed in the due course.

Learned State counsel on instructions from ASI Kulwinder Singh submits that no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 11.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

22.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>