

CRM-M-48825-2023 (O&M)

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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48825-2023 (O&M)
Date of decision : 29.11.2023

Inderjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Vishavjeet Singh Rishi, Advocate, and
Ms. Divya Sharma, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
for the respondent.

Mr. Abhishek, Advocate, for
Mr. Munish Jolly, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.89 dated 30.08.2023, under Sections 306 and 506 of the Indian Penal Code, 1860, registered at Police Station Sadhar, District Ludhiana Rural.

2. Above FIR was registered on the basis of statement made by one Jaswinder Kaur with the allegations that petitioner along with her family members had pressurized her son (Jatinder Singh) to commit suicide.

3. This Court, on 02.11.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Notice of motion.

On asking of the Court, Mr. C.L.Pawar, Addl. A.G., Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Mr. Munish Jolly, Advocate accepts notice on behalf of the complainant. He seeks time to place on record the copy of Suicide Note dated NIL (P-2).

Posted for 07.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and her custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Rajdeep Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

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7.

In view of the above, interim order dated 02.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9.

The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10.

Disposed off accordingly.
11.

Pending application(s), if any, shall also stand disposed off.

29.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No