

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

212+2

CRM-M-54207-2022

Date of Decision: 12.04.2023

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. P.S. Bhandari, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Harpal Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 22.11.2022, 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.0132, dated 04.09.2022, under Sections 306, 34 IPC, registered at Police Station Shri Hargobindpur, District Batala.

It has been contended by counsel for the petitioner that petitioner before this Court is the mother-in-law of the deceased. He submits that son of the petitioner solemnized the marriage with the deceased on 20.07.2022. However, as the deceased could not adjust in the matrimonial home, she committed suicide in the matrimonial home on 03.09.2022. He has submitted that the petitioner has been falsely implicated in this case for abetment of the suicide by the deceased. He submits that the alleged arguments between the petitioner and the deceased

were totally wear and tear of the family life and the same cannot be said to be abetment or instigation under Section 107 IPC. He submits that no offence under Section 306 IPC read with Section 107 IPC is made out. It is further submitted that petitioner has no criminal antecedents and co-accused of the petitioner, i.e. her son, has already been granted interim anticipatory bail by this Court in CRM-M-52513-2022 and the same is fixed for 28.02.2023.

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.

To be listed alongwith CRM-M-52513-2022.”

Learned State counsel, on instructions from ASI Harpal Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 22.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or her 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

12.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>