

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

201

CRM-M-55084-2022

Date of Decision : 22.03.2023

Abhayanand Sinha and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amit Sharma, Advocate for
Mr. T.K.Gupta, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

On 29.11.2022, the following order was passed :-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.354, dated 11.09.2022, under Sections 304-B, 34 IPC, registered at Police Station Badshahpur, District Gurugram, Haryana.

It has been contended by counsel for the petitioners that petitioners are parents-in-law of the deceased. He submits that son of the petitioners performed marriage with the deceased on 16.02.2020. He has submitted that both the petitioners are residents of Patna and after the marriage, son of the petitioners and the deceased shifted to Gurugram and they were living in a rented accommodation. He submits that on account of alleged matrimonial differences

between husband and wife, the deceased committed suicide. He submits that both the petitioners were not even living with their son and admittedly they were in Patna and the deceased committed suicide at Gurugram. He has submitted that presumption under Section 113-B of the Indian Evidence Act could not be attracted and thus, no offence under Section 304-B IPC is made out. It is further submitted that both the petitioners are Government servants and they have an impeccable record.

Issue notice of motion for 22.03.2023.

On the asking of the Court, Mr.Kirpal Singh Thakur, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, 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 him 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.”

State is directed to file status report on or before the next date of hearing.”

Status report dated 21.03.2023 by way of affidavit of Sanjeev Kumar, HPS, Assistant Commissioner of Police, Sadar, Gurugram, is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel pointing out reply submits that the petitioners have joined investigation and they have found innocent.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 29.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioners or their 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.

22.03.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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