

ITEM NO.221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53691-2023

Date of decision :21.12.2023

JARNAIL KAUR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

Mr. S.S. Narula, Advocate with
Mr. G.S. Dhillon, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of anticipatory bail to the petitioner in FIR No.147 dated 1.9.2023 (P-1), registered under Section 306 IPC at Police Station, Pasyana, District Patiala.

2. Above FIR was registered on the basis of statement made by one Charanjit Kaur with the allegations that petitioner had instigated her brother Balwinder Singh @ Binder to commit suicide.

3. This Court, on 7.11.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that son-in-law of the petitioner is alleged to have committed Suicide after 14

years of his marriage; but from perusal of the impugned FIR, there is no allegation that petitioner abetted or instigated the deceased to commit Suicide.

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. Gurinder Singh Dhillon & Mr. Prabhat Gupta, Advocates appear on behalf of the complainant.

Posted for 21.12.2023.

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 the police officer present in Court 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.

7. In view of above, interim order dated7.11.2023 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.

21.12.2023

(MAHABIR SINGH SINDHU)

Gaurav Sorot

JUDGE

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