

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

201-I

Criminal Misc. No. M-55877 of 2022

Date of decision :-09.08.2023

Pinkal Sharma @ Pihu Sharma and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. A.K. Yadav, Advocate for
Mr. Ravi Chadda, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.149 dated 26.10.2022, under Section 306 IPC read with Section 34 IPC, registered at Police Station Sujanpur, District Pathankot.

On 02.12.2022, this Court had passed the following order

:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No. 149, dated 26.10.2022, under Sections 306, 34 IPC, registered at Police Station Sujanpur, District Pathankot.

It has been contended by counsel for the petitioners that petitioners before this Court are sister-in-law and brother-in-law, i.e. Jethani and

Jeth of deceased Sonia. He submits that the deceased was married with younger brother of petitioner No.2 about 1½ years ago, i.e. on 24.04.2021. He submits that petitioners were living separately from the deceased and her husband and they had no concern with their matrimonial life. He has submitted that the deceased went to her parental home and thereafter she committed suicide at her parental home only. He submits that thereafter brother of the deceased lodged the present FIR on the basis of false and frivolous allegations only in order to implicate maximum members of in-laws' family of the deceased. He has submitted that from the facts and circumstances, no offence under Section 107 IPC, ie. instigation or abetment, is made out and thus, offence under Section 306 IPC read with Section 107 IPC is not attracted in this case. He submits that the petitioners have no criminal antecedents and in view of the aforementioned facts, no case for custodial interrogation is made out, however, they are ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers their request for granting the same.

Issue notice of motion for 31.03.2023.

On the asking of the Court, Mr. Karunesh Kaushal, AAG, Punjab, 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."

Learned State counsel, on instructions from ASI Jagdish Singh states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 02.12.2022 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the

investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 09, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

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