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

CRM-M-122-2023

Date of Decision: 14.03.2023

Sapna

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. A.S. Manaise, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.117 dated 08.11.2022, under Sections 306 and 120-B of the Indian Penal Code, 1860, registered at Police Station Ghall Khurd, District Ferozepur.

On 17.01.2023 the following order was passed by this Court :-

“ CRM- 2005-2023

The present application is filed for placing on record the video transcription from Punjabi to English (Annexure C-1) on behalf of Sonu (complainant) son of Dhanwant Singh, Anni Delhi, Fazilka, Punjab.

For the reasons mentioned in the application, the same is allowed and the video transcription from Punjabi to English (Annexure C-1) on behalf of Sonu (complainant) son of Dhanwant Singh, Anni Delhi, Fazilka, Punjab is taken on record, subject to all just exceptions.

CRM-M-122-2023

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.117 dated 08.11.2022 registered under Sections 306 and 120-B IPC, registered at Police Station Ghall Khurd, District Ferozepur.

Status report dated 16.01.2023 by way of an affidavit of Sandeep Singh, PPS, Deputy Superintendent of Police (Rural), Ferozepur on behalf of respondent No.1/State is filed by the learned State counsel in Court today and the same is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the allegations leveled against the petitioner are frivolous and there is no truth in the same. He further submits that petitioner is a household lady and wife of the complainant, who has been falsely implicated in this case due to matrimonial dispute and pending litigation between them. It is further submitted that the alleged dispute (if any) was between deceased (Jaswinder Singh) and his wife i.e. co-accused Sonia and the petitioner had no concern in this dispute. Learned counsel further submits that the petitioner was married to complainant (Sonu) on 03.04.2011 and out of their wedlock, one son (Agam) was born, however, on account of matrimonial dispute, the petitioner was pushed out of the matrimonial home in the year 2019, upon which she filed a divorce petition (Annexure P-2) bearing No.DMC/226/2019 dated 23.09.2019 before learned Family Court, Fazilka on the ground of cruelty. It is submitted that during the pendency of this matrimonial dispute of the petitioner and the complainant, the unfortunate incident occurred on 08.11.2022, wherein Jaswinder Singh (Jeth of petitioner), Harpreet Singh (Jeth of petitioner), Agam (son of petitioner) and GurleenKaur @ Alice (niece of petitioner) were killed when their car fell into the canal. It is further submitted that complainant concocted a story and falsely roped the petitioner in present case due to ongoing litigation and personal grudge. Learned counsel also submits that the petitioner had no role to play in the alleged illicit relationship of co-accused Sonia with Sukhwant Singh Sandhu, nor she had any reason to harass and threaten deceased-Jaswinder Singh. It is contended that it would be a debatable issue during trial as to whether it is a case of accident or a case of suicide by Jaswinder Singh. It is pertinent to mention here that petitioner's own son Agam was also sitting in the car, who was also killed in the incident. It is further submitted that the bail application moved by the petitioner under Section 438 of

the Code of Criminal Procedure Code, has wrongly been dismissed by learned lower Court, vide its order dated 15.12.2022. Learned counsel further submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence and submits that the petitioner does not deserve the grant of anticipatory bail. However, learned State counsel has not disputed the fact that in the occurrence, four lives were lost, including the son of petitioner.

List on 14.03.2023.

In the meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, she shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Karamjit Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 17.01.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of

the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

14.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No