



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209 CRM-M-10759-2024(O&M)
Date of Decision: 18.05.2024

PAYAL SEKHON ...Petitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rakesh Kumar Kachura, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Ms. Satinder Kaur, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0003	05.01.2024	P.S. City, Faridkot, District Faridkot	346 of IPC and later on converted into Section 306 read with 120-B of IPC

2. Vakalatnama has been filed on behalf of the petitioner. The same is taken on record.
3. Vide order dated 29.02.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 29.02.2024 reads as under:-

“The present petition has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in case arising out of FIR No.3 dated 05.01.2024 registered under Sections 346 of IPC and later on converted into Section 306



read with Section 120-B of IPC at Police Station City, Faridkot, District Faridkot on the basis of statement recorded by the complainant-Jagga Singh that his daughter Amandeep Kaur was married with accused Akashdeep Singh on 18.06.2023. His daughter had gone missing and her dead body was found from Sirhind feeder Dhodha Road on 14.01.2024. It is alleged that the accused Akashdeep Singh was having extra marital relations with the present petitioner and suicide of the victim was abetted by the petitioner in connivance with the co-accused.

The present petition has been filed on the ground and it is argued by her counsel that she has been falsely implicated in this case. There is nothing on record to show that she abetted suicide by the victim in any manner. Whatsoever, the ingredients for commission of offence punishable under Sections 306 and 107 of IPC have not been made out.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab who appeared on advance notice of the petition, seeks time to file status report.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent No.2 in this petition.

Amended memo of parties be filed by the counsel for the petitioner today, itself.

Notice to respondent No.2 be issued for 06.05.2024 after depositing process fee by the petitioner.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her



satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Today it is stated by learned State counsel that the petitioner has joined the investigation on 05.03.2024 and her custodial interrogation is no more required. Learned counsel for the petitioner has not chosen to address any arguments in the petition. The petitioner is alleged to have maintained extra marital relations with the co-accused Akashdeep Singh who was the husband of the victim Amandeep Kaur who died a suicidal death by jumping into canal within a period of six months of her marriage with the co-accused. She has been booked for commission of offence punishable under Section 306 IPC on the allegations that she along with co-accused abetted suicide by the victim. In order to bring out an offence under Section 306 IPC, specific abetment as contemplated under Section 107 of IPC on the part of the accused with an intention to bring out the suicide of the person concern as a result of that abetment is required. There is no specific reference of the petitioner in this case as a cause for the suicide. There is also nothing on record to show that there was any provocation on her behalf for the deceased to commit suicide. As such, it is a debatable issue as to whether the ingredients of Section 306 IPC are attracted against the present petitioner or not? No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 29.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

18.05.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable | Yes/No |