

CRM-M-13125-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13125-2024

Date of decision : April 29, 2024

Rajwinder Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Avtar Singh, Advocate, for
Mr. Karanbir Singh, Advocate, for the petitioner
Mr. Raghav Garg, DAG, Punjab

KULDEEP TIWARI, J. (ORAL)

1. On the last date of hearing, i.e. 14.3.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.PC., the petitioner seeks grant of anticipatory bail, in case FIR No.97 dated 04.06.2021, under Sections 306, 506, 34 of the IPC, registered at P.S. Talwandi Sabo, Bathinda.

2. The allegations, as levelled in the FIR (supra), are that, owing to harassment at the hands of the present petitioner and her co-accused, in connection with partition of land, deceased Balwant Singh committed suicide by consuming poison. The deceased is alleged to have written a suicide note, wherein, the name of the petitioner is recorded.

3. *The learned counsel for the petitioner, in his asking for the relief (supra), submits that even if the contents of the FIR (supra) are taken to be a gospel truth, yet no offence under Section 306 of the IPC is made out against the petitioner, as she had never, at any point of time, abetted, induced or instigated the deceased.*

4. *Nonetheless, the learned counsel for the petitioner draws attention of this Court towards Annexure P-4, which is an affidavit sworn by the complainant Bhupinder Singh, to submit that a compromise has been entered inter se the parties. The complainant has, in Annexure P-4, absolved the petitioner and her co-accused from the allegations (supra), inasmuch as, he has averred therein that the deceased was suffering from mental tension and was on medication.*

5. *Lastly, the learned counsel for the petitioner has submitted that the petitioner is ready to join the investigation, and, to cooperate with the investigating officer.*

6. *Be that as it may, at this stage, this Court is not considering the factum of compromise inter se the parties. However, considering the fact that, the petitioner is ready to join the investigation, and, the issue “whether offence under Section 306 of the IPC is made out or not against the petitioner” is a debatable issue, which can only be adjudicated during the course of trial, this Court deems it appropriate to grant the asked for relief to the petitioner.*

7. *Notice of motion for 29.04.2024.*

8. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

9. *In the meantime, the petitioner is directed to join the*

investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

10. To be heard with CRM-M-10869-2022.”

2. Today, the learned State counsel on instructions imparted to him by ASI Iqbal Singh, submits that the petitioner has already joined the investigation and she is fully co-operating with the investigation process and she is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 14.3.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 29, 2024

'tiwana'

**(KULDEEP TIWARI)
JUDGE**

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