

“2. It is inter alia contended by learned counsel for the petitioner that the petitioner happens to be the sister-in-law of the deceased and has been wrongly roped in by the complainant in connivance with the police in the instant FIR.

3. Learned counsel for the petitioner further contends that the deceased died due to medical complication on 03.01.2024 after delivery of a child and contends that the instant FIR was registered by the complainant on 06.01.2024 by mentioning the alleged occurrence dated 03.01.2024. However, the said complainant had already lodged a DDR No.23 on 04.01.2024 (Annexure P-5) regarding the death of his sister after delivery of the child but had not levelled any allegations therein against the petitioner.

4. Learned counsel for the petitioner further contends that even the perusal of the FIR (Annexure P-1) would reveal that there is reference to the DDR No.23 dated 04.01.2024 having been recorded by the complainant himself but despite that the police has not taken any care to inquire into the allegations.

5. He further contends that the petitioner is a house hold lady having no criminal antecedents and is ready to join the investigation.

6. The learned State counsel on instructions from ASI Sukhdev Singh, Investigating Officer of case admitted the fact of recording of the aforesaid DDR (Annexure P-5) by the same complainant on whose statement the instant FIR (Annexure P-1) was registered.

7. The Investigating Officer present in Court admitted that no allegations have been levelled in the DDR against the petitioner or anybody qua the death of deceased by the complainant.

8. After hearing the respective submissions and perusing the record without commenting on the merits it is

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deemed appropriate that the petitioner should join the investigation first before deciding the case on merits.

9. Accordingly, the petitioner is directed to join investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

10. List on 06.05.2024.”

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 10.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.05.2024
kanika

(SANJIV BERRY)
JUDGE

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ii) Whether reportable?

Yes/No