

2024:PHHC:050652

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

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CRM-M-14454-2024
Date of decision: 16.04.2024

Gagandeep Kaur

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Muskan, Advocate for
Mr. Amit Arora, Advocate, for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Deepak Kumar, Advocate,
for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.0181 dated 26.11.2022, registered for the offences punishable under Sections 306, 34 of IPC, 1860 at Police Station Sirhali, Tarn Taran.

2. On 20.03.2024, the following order was passed:-

“Apprehending her arrest in FIR No. 0181 dated 26.11.2022 registered for offences punishable under Sections 306,34 IPC at Police Station Sirhali, District Tarn Taran; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner is a young unmarried lady aged about 22 years; the allegations raised in the FIR do not constitute an offence under Section 306 of IPC especially in terms of the dicta of the judgment of the Hon'ble Supreme Court in ‘Mohit Singhal & Anr. Versus The State of Uttarakhand &

Ors.' Criminal Appeal No. 3578 of 2023; suicide note is alleged to have been produced before the police on 24.12.2022 whereas the death in question took place on 25.11.2022 & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 16.04.2024.

The petitioner is directed to appear before the Investigating Officer on 26.03.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Rajpal Singh, has stated that pursuant to the order dated 20.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the allegations made against the petitioner are serious in nature.

5. In view of above, the present petition is allowed and interim order dated 20.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be

confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

April 16, 2024
poonam

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