

CRM-M-15954-2024  
Date of decision: 03.05.2024

....Petitioner

...Respondent

**Present:** Mr. J.K. Singla, Advocate  
for the petitioner.

Mr. Lakhvinder Singh Dandiwal, Advocate  
for the complainant.

The instant petition is preferred under Section 438 of Code of Criminal Code, 1973, seeking anticipatory bail in FIR No.46 dated 05.03.2024 under Sections 306/34 of IPC (Act No.45 of 1860) registered at Police Station Jhunir, District Mansa (Annexure P-1).

On 03.04.2024, the following order was passed:-

*'The instant petition is preferred under Section 438 of Code of Criminal Code, 1973, seeking anticipatory bail in FIR No.46 dated 05.03.2024 under Sections 306/34 of IPC (Act No.45 of 1860) registered at Police Station Jhunir, District Mansa (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that the marriage between the son of the petitioner and his deceased-wife is 23 years old and her son had purchased land in the name of his deceased wife. The marital life of*

*the petitioner's son and his wife was smooth and there is no specific instance of instigation to satisfy the ingredients of Section 107 of IPC to make the petitioner liable for the offence under Section 306 of IPC. He further submits that the petitioner is 64 years of age. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well her entire family.*

*Notice of motion for 03.05.2024.*

*On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.*

*At this stage, Mr. Lakhvinder Singh Dandiwal, Advocate puts in appearance on behalf of the complainant and files his vakalatnama in the Court today which is taken on record.*

*In the meantime, keeping in view the ratio of law enunciated by Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigation Officer within two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer and the petitioner shall co-operate with the Investigating Officer.*

*If the Investigating/Arresting Officer does not permit*

*the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in the investigation in terms of the order of this Court.*

*Adjourned to 03.05.2024.*

*Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.'*

Learned State counsel on instructions from ASI Gurdeep Singh, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

Learned counsel appearing for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner.

In view of the statement of learned State counsel, order dated 03.04.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)  
JUDGE

03.05.2024  
Neha

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