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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-23673-2024 (O&M)

Date of Decision: 04.07.2024

PARAMJIT KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, petitioner is seeking anticipatory bail in case FIR No. 41 dated 23.04.2024 registered under Sections 306 and 120-B of Indian Penal Code at Police Station Dugri, District Ludhiana.
2. On 10.05.2024, following order was passed:

"The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail in FIR No.41 dated 23.04.2024 under Sections 306 & 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner, inter alia, contends that as per case set up by the complainant, the petitioner and her son had allegedly beaten up his daughter on 28.06.2023 and she committed suicide on 21.04.2024 and there is no proximity between these two incidents to make the petitioner liable for abatement within the meaning of Section 107 of IPC. Admittedly, daughter of the complainant was in severe distress as her husband was having illicit relations with a woman namely 'C' (name withheld). The petitioner is 65 years of age and there is no specific instance with regard to the detail and manner, in which the petitioner can be held liable for an offence under Section 306 of IPC.

Notice of motion for 04.07.2024.



*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of 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 bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the 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 arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

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

3. Mr. Damanjit Singh Sandhu, Advocate has put in appearance on behalf of complainant and filed his power of attorney. Same is taken on record. Learned counsel for the complainant opposes the prayer for grant of anticipatory bail to the petitioner.

4. However, Learned State counsel on instructions from SI Gurpreet Singh, submits that in compliance of order dated 10.05.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel, the order dated 10.05.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
6. The petition is accordingly allowed.

04.07.2024	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No