

2024:PHHC:089050



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

CRM-M-24413-2024
Date of Decision : 17.07.2024

SHILPA

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S.Gopera, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

Mr. Gaurav Jain, Advocate for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 02.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Mr. G.S.Gopera, Advocate, has caused appearance on
behalf of the petitioner, through a validly executed power of attorney in
his favour, with no objection taken thereon, by the previous counsel.
The same is taken on record.

The petitioner, who is the sister of the deceased, has
approached this Court through the instant petition under Section 438
Cr.P.C., for grant of anticipatory bail in case FIR No.152, dated
18.04.2024, under Sections 306 and 34 of the IPC, registered at Police
Station City Fatehabad, District Fatehabad, as her real brother
committed suicide.

The prosecution agency was set into motion on a
complaint made by the wife of the deceased, wherein, she made
allegations against all the family members of her in-laws, including
mother-in-law, father-inlaw, present petitioner (sister-in-law), and one
Sukhwinder alias Shina, who is alleged to be a friend of the petitioner's
family, to the extent that all committed atrocities and harassed the
deceased on account of a property dispute, which led the deceased to
commit suicide.

In asking for the relief (supra), learned counsel for the petitioner submits that in fact no ingredients of Section 306 IPC, are attracted from the allegations levelled in the FIR. He further submits that in fact, the complainant in order to settle the property dispute has falsely levelled allegations against her mother-in-law and father-in-law, present petitioner (sister of the deceased), and one friend, of the deceased namely Sukhwinder. He further submits that there is no suicide note left by the deceased, which could substantiate the allegations of the complainant.

A co-ordinate bench of this Court, issued notice of motion in the instant petition on 15.05.2024.

Today, the learned State counsel has filed a detailed reply dated 02.07.2024, by way of an affidavit of Sh.Jaipal Singh, SP (HQ), Fatehabad, on behalf of the respondent-State, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

He opposes the grant of pre-arrest bail to the petitioner and draws attention of this Court to the call detail records and points towards the disclosure statement suffered by the co-accused, during investigation, to submit that from the circumstances it reveals that the present petitioner is a main accused.

Learned counsel appearing for the complainant vociferously opposes the grant of pre-arrest bail to the present petitioner. He submits that, just before the suicide committed by deceased, a call was made by the petitioner wherein, she abused the deceased. This Court has examined the transcript of the call. Whether, the transcript constitutes an offence under Section 306 IPC, is a debatable issue, which is to be decided by the learned trial court concerned, at appropriate stage.

Considering the allegations levelled against the present petitioner, and peculiar circumstances of the instant case, the petitioner is directed to join the investigation, and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation, as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 17.07.2024.”

2. Today, the learned State counsel has, on instructions imparted to him by SI Sumer Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 02.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 17, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No