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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28158-2024 (O&M)
Date of decision: 04.07.2024

Dhakeli

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arjun Attri, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.16 dated 18.02.2024 under Sections 306 & 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Sohna, District Gurugram

2. On 30.05.2024, the 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.16 dated 18.02.2024 under Sections 306 & 34 of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Sadar Sohna, District Gurugram.

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Learned counsel for the petitioner, inter alia, contends that the petitioner is 75 years of age and is suffering from various ailments and allegations contained in the FIR (supra) are highly improbable, as physical condition of the petitioner is such that she requires assistance to even perform her daily chores and there is no specific instance to make out a case of abetment within the meaning of Section 107 Cr.P.C. As such, the petitioner cannot be held liable for the offence punishable under Section 306 of IPC. 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 her.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Karan Kalia, Advocate accepts notice on behalf of the complainant and files Power of Attorney, which is taken on record.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that she has taken active part in abetting the deceased to commit suicide and in the suicide note, specific allegations have been levelled against the petitioner.

Adjourned to 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

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

4. In view of the statement of learned State counsel, order dated 30.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

04.07.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No