

CRM-M-29379-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-29379-2024 (O&M)
Date of Decision: 23.07.2024

KIRANPAL KAUR ALIAS KIRNA KAUR AND ANOTHER

.. Petitioners

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sumeet Pal Singh Sidhu, Advocate
for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

None for the complainant.

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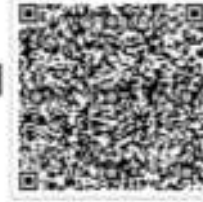
SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.0044 dated 12.04.2024, under Section 306 of IPC registered at Police Station Sadar Bathinda, District Bathinda.

2. On 02.07.2024, the following order was passed:-

“Apprehending their arrest in FIR No.0044 dated 12.04.2024 registered for offences punishable under Section 306 IPC at Police Station Sadar Bathinda, District Bathinda; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioners are the uncle and aunt (Chacha and Chachi) of one Gagandeep Singh with whom marriage of deceased- Reena could not take place; from the factual matrix of the case in hand the offence under Section 306 of the IPC could not made out & the petitioners are willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioners has relied upon dicta of the judgments of the Hon'ble Supreme Court rendered in Mohit Singhal & Ant. Versus The State of Uttarakhand & Ors. Criminal Appeal No. 3578 of 2023 and 'Naresh Kumar Versus State of Haryana 2024(2) R.C.R.



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Adjourned to 23.07.2024.

The petitioners are directed to appear before the Investigating Officer on 05.07.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further falled by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Raj Singh, has stated that pursuant to the order dated 02.07.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 02.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioners 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.

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

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

8. Pending applications, if any, shall also stand disposed off.

23.07.2024

Jasmine Kaur

**(SUMEET GOEL)
JUDGE**