

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
308

CRM-M-30303-2024
Date of decision: 23.07.2024

BALJIT KAUR
...PETITIONER
V/s
STATE OF PUNJAB
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Siddharth Gupta, Advocate
for the complainant.

SUMEET GOEL, J.

Status report dated 22.07.2024 in the form of an affidavit of Suvinder Pal Singh, P.P.S. Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) has been filed on behalf of respondent-State. The same is taken on record.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.229 dated 06.12.2023, registered for the offences punishable under Section 306 of IPC at Police Station City Beas, District Amritsar Rural, Punjab.
2. On 21.06.2024, the following order was passed:-

*“The petitioner prays for pre-arrest bail in a criminal case arising from FIR No.229, dated 06.12.2023, registered under Section 306 of the Indian Penal Code, 1860 (hereinafter referred to as the ‘IPC’), at Police Station City Beas, District Amritsar Rural, Punjab.
Upon perusal of the allegations made in the FIR, prima facie the ingredients of offence as required under Section 107 read with Section 306 of the IPC are missing against the petitioner. It is the case of the first informant that the*

petitioner has a relationship with the husband of the deceased. The petitioner is sought to be implicated under Section 306 of the IPC merely on the basis of the aforesaid allegations. The issue is debatable.

Notice of motion.

Mr. Kanav Singla, Assistant Advocate General, Punjab, accepts notice on behalf of the State.

Adjourned to 19.07.2024.

In the meantime, in the event of arrest, the petitioner shall be released on the interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall 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.”

3. Learned State counsel, on instructions from ASI Nirmal Singh, has stated that pursuant to the order dated 21.06.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence he ought not to be extended the concession of anticipatory bail.
5. In view of above, the present petition is allowed and interim order dated 21.06.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
6. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 23, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No