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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33027-2024

Date of decision: 14.08.2024

Kiran Jain and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Tanvir Singh Grewal, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.180 dated 25.05.2024 (Annexure P-1) under Sections 306/120-B/304-B of IPC (Section 304-B added later on) registered at Police Station City Kharar, District SAS Nagar.

On 15.07.2024, 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.180 dated 25.05.2024 under Sections 306, 120-B (304-B added later on) of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Kharar, District SAS Nagar.

Learned counsel for the petitioners, inter alia, contends that factual ingredients constituting the offence of abatement within Section 107 of IPC are clearly missing. The petitioners are mother-in-law and father-in-law of the complainant and there are generic allegations and no specific incident is mentioned in the FIR (supra), for which the petitioners can be held liable for abetting the deceased to commit suicide.

Notice of motion.

On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and Mr. T.S. Grewal, Advocate accepts notice on behalf of the complainant and files Power of Attorney, which is taken on record.

Learned State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the

petitioners on the ground that the deceased died in the matrimonial home after one month of the marriage and since the petitioners are sharing same household, they cannot be exculpated.

Learned counsel for the complainant further submits that the investigating agency has not invoked Section 304-B of IPC, whereas the allegations contained in the FIR (supra) indicate so.

Adjourned to 14.08.2024.

*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 are 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 petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioners will co-operate in the investigation.*

If the arresting officer does not permit the petitioners to join the investigation, they would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioners 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.'

Learned State counsel on instructions from ASI Bir Chand, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.07.2024 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.08.2024

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No