

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41112-2023
Date of decision : 19.01.2024

Suman
Versus
State of Haryana
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajesh Lamba, Advocate for the petitioner.
Mr. A.K. Sehrawat, DAG, Haryana.

Ms. Kriti Lohar, Advocate for
Mr. Vinod, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 21.08.2023, the following order was passed :-

“Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 32 years and the allegations against her were that she along with her two minor children had jumped into the pond for committing suicide. The minor son unfortunately died but the petitioner and her daughter were saved. He further submitted that it was not a case of any willful attempt but they only went to the pond, where they drowned on their own. He further submitted that even otherwise also now the complainant has given a statement to the police that such an act was not intentional.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to file an affidavit.

Mr. Vinod Kumar, Advocate, also accepts notice on behalf of the complainant and has filed his power of attorney in Court today, which is taken on record. He prays for time to seek instructions and file an affidavit, if so required and so advised.

Adjourned to 18.12.2023.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on her doing so, the petitioner be released on interim bail, subject to her furnishing personal bonds and surety to the satisfaction of the

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.

- 2. Today, Ld. State Counsel on instructions from ASI Lathar Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
- 3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 21.08.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
- 4. This order should not be treated as "blanket" order. It will not be read granting the 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.
- 5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
- 6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
- 7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
- 8. Petition stands disposed off accordingly.

January 19, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No