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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41177-2024 (O&M)
Date of decision: 23.09.2024

Sateshwari Devi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitish Sharma, Advocate
for the petitioner (*through video conferencing*).

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing
FIR No.362 dated 01.08.2023 under Sections 306 & 34 of the Indian Penal
Code, 1860, registered at Police Station Dabua, Faridabad.

2. On 23.08.2024, the following order was passed:-

*“The present petition has been filed under Section 482 of
BNSS, 2023 for grant of pre-arrest bail in case bearing FIR
No. 362 dated 01.08.2023 registered under Sections 306 and
34 of Indian Penal Code at Police Station Dabua, Faridabad.*

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Learned counsel for the petitioner inter alia contends that petitioner is the mother of main accused-Ankit. The allegations against the son of the petitioner is that deceased was trapped by her son on the false promise of marriage. The petitioner has no involvement in their affair and she resides in Uttarakhand and she never met the deceased and merely by naming the petitioner in suicide note would not be enough to establish the abatement to commit suicide, specially in the absence of any proximate and active participation.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit

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the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 23.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from HC Arvind, 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 23.08.2024 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

23.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No