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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44112-2023 (O&M)

Date of Decision: 21.02.2024

MANJINDER KAUR

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Abhinav Singla, Legal Aid Counsel.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 0181 dated 26.11.2022 registered for offences punishable under Section 306 read with Section 34 IPC at Police Station Sirhali, District Tarn Taran.

2. On 18.01.2024, the following order was passed:-

“Apprehending her arrest in FIR No. 0181 dated 26.11.2022 registered for offences punishable under Section 306 read with Section 34 IPC at Police Station Sirhali, District Tarn Taran; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner is a lady aged about 53 years; the allegations raised in the FIR do not constitute an offence under Section 306 of IPC; suicide note is alleged to have been produced before the police on 24.12.2022 whereas the death took place on 25.11.2022 & the petitioner is willing to join investigation as also cooperate therein.

Notice of motion.

On asking of the Court, Mr. Hemant Aggarwal, AAG, Punjab, appears and accepts notice on behalf of

the respondent-State. Mr. Himanshu Jain, Legal Aid Counsel appears on behalf of the complainant.

Adjourned to 21.02.2024

The petitioner is directed to appear before the Investigating Officer on 24.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Gurpreet Singh, has stated that pursuant to the order dated 18.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence she does not deserve the concession of pre arrest bail.

4. In view of above, the petition is allowed and interim order dated 18.01.2024 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 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.

6. 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.

7. Needless to say that anything observed herein above shall not

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

21.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No