

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-48275-2023(O&M)
Date of decision: 24.04.2024

Simranjit Kaur
...Petitioner

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.K. Singla, Advocate &
Mr. Parminder Singla, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Rajender Mathur, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.) has been filed for grant of pre-arrest bail to the petitioner in FIR No. 178 dated 27.08.2023, under Section 306 of Indian Penal Code, 1860, registered at Police Station, Sadar Nabha, District Patiala.

(2) Allegations are that petitioner alongwith co-accused abetted the deceased-Karamjit Singh to commit suicide.

(3) Contends that this Court granted interim bail to the petitioner on 22.09.2023 and in terms thereof, she has already joined the investigation and as such, her custodial interrogation is not required.

(4) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that as on today, custodial interrogation of the petitioner is not required.

(5) *Per contra*, learned counsel for the complainant has vehemently opposed the prayer on the premise that deceased was blackmailed by the

accused side as roka (ring ceremon) was performed, but despite that co-accused- Anmoldeep Kaur refused to perform marriage, which led to commission of suicide.

(6) Heard learned counsel for the parties and perused the paper-book.

(7) It transpires that petitioners were granted interim bail by this Court on 22.09.2023 and order reads as under:-

“ Contends, inter alia, that there is no allegation against the petitioner that she has instigated or abetted the deceased to commit suicide.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 15.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(8) It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and her custodial interrogation is not required at this stage.

(9) Since as on today, petitioner has joined investigation and State is not asking for custodial interrogation of the petitioner, therefore, the plea raised by learned counsel for complainant about roka (ring ceremony) or emotional

attachment with the co-accused-Anmoldeep Kaur would not disentitle the petitioner from seeking pre-arrest bail; hence, the objection of complainant is rejected.

(10) In view of above, interim order dated 22.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(13) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

(14) Disposed off accordingly.

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

24.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No