



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-47279-2024
Date of Decision : **December 18, 2024**

SHAMMA @ SHAMMA RANI
.....Petitioner

VERSUS

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. J.S.Mohria, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr. Vijay Lath, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 20.9.2024, a co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“This petition has been filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in FIR No. 60 dated 21.07.2024 under Sections 108, 3(5) of BNS registered at Police Station Sadar Rupnagar, District Rupnagar.

Learned counsel for the petitioner inter-alia submits that the petitioner was divorcee and was having two children from first marriage. The petitioner solemnized the marriage with Pawan Kumar (since deceased) in the year 2020. It was also second marriage of Pawan Kumar, who also adopted the children of the petitioner. Thereafter, the father-in-law of the petitioner got transferred his land in favour of Pawan Kumar

in the year 2020 itself. After some time, the behavior of Pawan Kumar as well as her mother was not good

towards the petitioner as well as her children. The father-in-law Baldev Singh

got cancelled the sale deed from the name of Pawan Kumar(since deceased)

and thereafter, the land was entered on the name of his father Baldev Singh. The relation between petitioner and Pawan Kumar as well as complainant were not cordial. On 12.09.2023, the father-in-law of petitioner executed a registered Will in favour of the petitioner as well as her children. Pawan Kumar (since deceased) and the complainant/ mother of the deceased left the house themselves and started residing in other village and thereafter they did not turn up. The petitioner and her father-in-law came to know that on 21.07.2024, Pawan Kumar has committed suicide and due to which petitioner and her father-in-law have been involved in the present case. It is further submitted that the FIR has been got registered in order to pressurize the father-in-law to cancel the said Will and the compromise dated 30.08.2024 was got entered forcibly by the brothers of the complainant. In the said compromise, it was forcibly got written that the father-in-law of the petitioner is bound to cancel the registered Will dated 12.09.2023. There was neither any instigation on the part of the petitioner nor any overt-act on the part of the petitioner which forced Pawan Kumar (since deceased) to commit suicide. On 18.09.2024, co-accused Baldev Singh has already been arrested by the police.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab appears and accepts notice on behalf of the respondent-State. She seeks some time to file status report. A copy of the paper book be supplied to her during the course of the day.

List on 17.12.2024.

Keeping in view the fact that the petitioner is a lady and there is no overt act on the part of the petitioner so the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of her arrest, she shall be released on interim bail on her furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make herself available for interrogation before

the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. The learned counsel for the complainant has vociferously opposed the grant of relief of anticipatory bail to the present petitioner.

4. In view of the above, the hereinabove extracted interim order dated 20.9.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

December 18, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No