

Sr. No.210(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52247-2023
Date of decision: 14th March, 2024

SARABJIT KAURPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Chanota, Advocate for
Ms. Ruby Kaur, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G.,Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.97 dated 07.09.2023, under Section 306 IPC, 1860, registered at Police Station Hariana, District Hoshiarpur (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was granted interim bail as per the order dated 13.10.2023, passed by the Coordinate Bench of this Court. The relevant portion of the said order reads as under:-

“xxx xxx xxx xxx

Learned counsel for the petitioner, inter-alia, contends that the petitioner and her husband Nirvair Singh had, earlier, been residing in Italy and hence, her husband had given his agricultural land to Charanjit Kaur (since deceased), i.e. the mother of the complainant, on lease but however, she had not been paying the lease amount in respect thereof and therefore, the husband of the petitioner had served a legal notice to the complainant and his parents in this regard and the petitioner did not ever commit any act or omission so as to constrain the victim to end her life/commit suicide and rather, she (petitioner) has been got falsely implicated in the present case and moreover, she is ready and willing to join in the

investigation as and when required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Gurlal Singh Dhillon, learned Assistant Advocate General Punjab, has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance and he accepts the notice and seeks some time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned 25.01.2024.

Meanwhile, the petitioner shall join in the investigation on 30.10.2023 at 10.00 A.M. sharp and if there need be, even thereafter and in the event of her arrest, she shall be released on interim bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and she shall also strictly abide by all the conditions, as laid down in Section 438(2) Cr.P.C.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 13.10.2023, passed by the Coordinate Bench of this Court.

4. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Bhushan Singh, confirms that the petitioner has joined investigation and also contends that her further custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 13.10.2023 and keeping in view the fact that the petitioner has joined investigation and her further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 13.10.2023, passed by the Coordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

14th March, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>