



CRM-M-50131-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM-M-50131-2024
Date of Decision : 28.11.2024

Manpreet Kaur and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. C. M. Mujal, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Manu Loona, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. This Court, on dated 04.10.2024, had passed the hereinafter
extracted order, upon the instant petition:-

*“Through the instant petition filed under Section 438
Cr.P.C., prayer is made for grant of 'anticipatory bail' to
the petitioner in case FIR no.73, dated 29.12.2023
(Annexure P-1), under Section 306 IPC, registered at
Police Station Amir Khas, District Fazilka.*

*It is an unfortunate case, in which the husband of
petitioner no.1, has committed suicide by hanging himself,
and thereupon, the father of the deceased, i.e. Hari Chand
son of Diwan Chand, has filed a complaint which led to the
registration of instant FIR, alleging therein, that the
petitioners alongwith other co-accused were pressurizing
the deceased to give divorce, and also to return the dowry
articles. On the basis of the said allegations, the instant
FIR was registered.*



Having apprehension to be arrested in the instant FIR, the instant petition for grant of anticipatory bail has been filed.

While referring to the contents of the FIR (supra), learned counsel for the petitioners, inter alia submits that to constitute an offence of abetment, the intention and involvement of accused to aid and instigate commission of suicide, is imperative.

He further submits that there is no allegation at all, which would attracts the provisions of abetment and Section 306 of the IPC.

He further submits that the other co-accused-Des Raj, Sukha alias Suckhchain Singh, Pawan Kumar and Paneet Kaur, have already been granted the relief of anticipatory bail by the court of learned Sessions Judge, Fazilka.

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

Adjourned to 28.11.2024.

In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C”

2. Today, the learned State counsel on instructions imparted to him ASI Mukhtiar Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and they are no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 04.10.2024, 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.

(KULDEEP TIWARI)
JUDGE

November 28, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No