

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

Criminal Misc. No. M-53641 of 2023

Date of decision :-13.03.2024

Raman Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Shivam Joshi, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Mohinder Kumar, Advocate
for the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.49 dated 24.9.2023, under Section 306 IPC, registered at Police Station City Govt. Railway Police (GRP), Pathankot, District Govt. Railway Police.

On 12.12.2023, co-ordinate Bench of this Court had passed the following order :-

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.49 dated 24.09.2023 under Section 306 of the Indian Penal Code, 1860 registered at Police Station City Govt. Railway Police (GRP), Pathankot, District Govt. Railway Police.

Learned counsel for the petitioner would contend that this was the second marriage of the deceased and there were two children born out of the wedlock. It is further the contention that quarrels had taken place in the years 2015 and 2018 and there is no complaint regarding any quarrel having taken place or regarding any harassment having taken place thereafter. Learned counsel for the petitioner would further contend that the deceased left the house on 23.09.2023 and is stated to have handed over her laptop and mobile phone to her brother at about 09.00 am. Thereafter, she called her brother at 11.00 am and asked him to switch off her mobile phone. The brother of the deceased thereafter informed the complainant i.e. father of the deceased and they started searching for her. On 24.09.2023 while searching for their daughter the complainant, son of the complainant and other family members went to the Police Post GRP, Batala and informed about their missing daughter along with her photograph. The Police Station, GRP Pathankot informed them on phone that on 23.09.2023 at about 20.00 hours one lady had received injuries after coming in front of the train. However, on the way to the hospital the lady had died. The complainant and his family went to the mortuary of Civil Hospital, Pathankot where they identified the dead body of their daughter. The complainant alleged in the FIR that the petitioner herein used to beat her daughter and had been pressurizing her and that she had called her parents 2-3 days earlier that she was mentally depressed because of continuous quarrels between the husband and wife.

Learned counsel for the petitioner would contend that the allegations even if taken on the face of it are normal wear and tear of a marriage and the offence under Section 306 IPC would not be made out.

Notice of motion.

Mr. M.S. Tiwana, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State. Mr. Mohinder Kumar, Advocate has put in appearance on behalf of the complainant and accepts notice on his behalf.

List on 13.03.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned State counsel, on instructions from ASI Bhupinder Singh states that in terms of the order passed by co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation, is cooperating and no further interrogation is required at this stage. He submits that the challan has been filed in the case.

Learned counsel for the complainant opposes the prayer made in the present petition on the ground that the petitioner has still not handed over the laptop.

Learned counsel for the petitioner counters the said allegation and further submits that after completion of the investigation challan has already been presented by the police.

In view of the above, the order dated 12.12.2023 granting interim bail to the petitioner by co-ordinate Bench of this Court, is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

March 13, 2024

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No