

[205] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57782-2023
Date of Decision : 26.02.2024

Simran ...Petitioner
versus
State of PunjabRespondent

Coram : **HON’BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Mitul Singh Rana, Advocate for the petitioner.
Mr. Sahil R. Bakshi, DAG, Punjab.
Mr. Arnav Sood, Advocate for the complainant.

DEEPAK GUPTA, J. (ORAL)

[1] On 17.11.2023, the following order was passed by this Court:-

“ Present: Mr. Mitul Singh Rana, Advocate for the petitioner.

Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.67 dated 04.09.2023, registered under Section 306 of IPC, 1860, at Police Station Hajipur, Hoshiarpur.

Counsel for the petitioner submits that the petitioner is the wife of the deceased and she has been named in the FIR, Annexure P-1, on the allegation that there was a marital discord between the couple and after a fight on 24.08.2023, her husband consumed poison on 27.08.2023 and unfortunately expired on 04.09.2023. Counsel urges that except for the allegation in the FIR, there is no material to substantiate the allegation of estrangement. He contends that false allegation has been levelled with the intention of dis-inheriting the petitioner from the property of the deceased. By placing reliance upon the judgement of the Supreme Court in S..S. Chheena Vs. Vijay Kumar Mahajan and another 2010 (4) RCR (Criminal) 66, he asserts that even if the allegation of discord is proved, no overt act can be attributed to the petitioner, where a victim being hypersensitive to normal differences in domestic life, which are quite common in the society, commits suicide. He has further relied upon another judgement of Supreme Court in Sanju a Sanjay Singh Sengar Vs.

State of Madhya Pradesh 2002 (2) RCR (Criminal) 687, to argue that as there is a gap of three days between alleged bickering and consumption of poison, her husband had sufficient time to think over and reflect over the incident and the petitioner cannot be said to have instigated the deceased. Counsel submits that the petitioner is a young widow with clean past and she is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab, who is assisted by Mr. Arnav Sood, Advocate for the complainant and has filed his Power of Attorney, which is taken on record, accepts notice.

List on 26.02.2024.

Petitioner is directed to appear before the Investigating Officer on 30.11.2023 at 11.00 A.M. at Police Station Hajipur, Hoshiarpur, and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

[2] Today, learned State Counsel, has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 17.11.2023 and is no longer required for further investigation.

[3] In view of the aforesaid, the order dated 17.11.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, she shall continue to join investigation, if and so required by the Investigating Officer.

[4] Disposed of.

(DEEPAK GUPTA)
JUDGE

26.02.2024
'Rajneesh'