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

CRM-M-60613-2023

Date of decision: 19.01.2024

Ranjit Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Simranjit Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.117 dated 07.11.2023 (Annexure P-1) under Section 306 of IPC registered at Police Station City-2, Abohar, District Fazilka.

On 02.12.2023, the following order was passed:-

'The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.117 dated 07.11.2023 registered under Section 306 of Indian Penal Code, 1860, at Police Station City-2, Abohar, District Fazilka.

A perusal of the paper book indicates that the petitioner is the sister-in-law of the deceased. The present FIR was lodged after a delay of 18 months and all members of the wife of the deceased have been implicated including the ex-divorcee wife of the deceased. There is nothing on record to remotely suggest that the petitioner can be held liable for abetting the deceased to

commit suicide as the postmortem report (Annexure P-2) indicates the cause of death as cardiac arrest, as such the deceased has died a natural death.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and seeks time to file status report.

Adjourned to 19.01.2024.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from the date of receipt of copy of this order and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. '

Learned State counsel on instructions from ASI Balwinder Singh, at the very outset informs the Court that the petitioner has joined the investigation on 15.12.2023 and her custodial interrogation is not required.

Mr. K.B.S. Mann, Advocate puts in appearance on behalf of the complainant and files his *vakalatnama* in the Court today which is taken on record. Registry is directed to tag the same at an appropriate place in the file. He vehemently opposed the grant of bail to the petitioner.

In view of the statement of learned State counsel, order dated 02.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.01.2024
Neha

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