

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64466-2023
Date of decision: 29.02.2024

SUKHWINDER KAURPETITIONER(S)

VERSUS

STATE OF PUNJABRESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Santokhwinder S. Grewal, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Ms. Gurkamal Kaur, Advocate for
Mr. Raj Karan Brar, Advocate for complainant.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
385	10.09.2022	306, 120-B of IPC	Sohana, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner submits that in compliance to the order dated 13.02.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 13.02.2024.

3. Learned State counsel, on instructions from SI Balwinder Singh, intimates that the petitioner had joined the investigation in the case

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and is no more required for any custodial investigation in this case nor she is required for further investigation.

4. During the course of hearing on 13.02.2024, following order was passed:

“2. It is inter alia contended by the learned counsel for the petitioners that the petitioners happen to be widow and father-in-law of the deceased. He submits that the marriage of the deceased Varinder Singh with the petitioner Simranjit Kaur was solemnized in the year 2012 and out of this wedlock two children were born. He submits that ultimately Varinder Singh expired in mysterious circumstances and false case has been planted upon the petitioners. He submits that deceased had already filed a petition seeking divorce in the year 2022 wherein also, the deceased had claimed that his wife i.e. petitioner Simranjit Kaur had been residing separately in her parental house and there was no occasion for the petitioner to have instigated the said death of the deceased Varinder Singh. He submits that petitioner has been falsely implicated in this case at the behest of complainant just to harass them on account of matrimonial discord of the deceased. He further contends that there is no allegation of immediate instigation in the FIR nor is there any suicide note. The petitioners have no criminal antecedents and as such he prays for grant of concession of anticipatory bail to the petitioners.

3. Per contra, learned State counsel assisted by learned counsel for the complainant refers to the reply dated 02.02.2024 submitted by the State in the form of affidavit of Deputy Superintendent of Police, City-2, SAS Nagar (Mohali) and has assailed these arguments by submitting that the deceased committed suicide on account of extra marital affairs of his wife and the petitioners have been constantly

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harassing him on account of matrimonial discord. However, they had admitted that no suicide note was found.

4. Considering the respective submissions and perusing the record, without commenting on the merits of case, it is deemed appropriate that the petitioners should join the investigation first before deciding the petitions on merit. Resultantly, both the petitioners Sukhwinder Singh and Simranjit Kaur are hereby directed to join investigation within seven days from today and in the event of their arrest, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

5. Copy of this order be placed on the file of another connected case.

6. Adjourned to 29.02.2024”.

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor she is required for any custodial interrogation, interim bail granted vide order dated 13.02.2024 is hereby confirmed subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

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6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not
be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

29.02.2024
kanika

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No