

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

**Cr.Misc.-M-10011 of 2014
Date of decision: 31.07.2014.**

Amar KaurPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Surajpreet Singh, Advocate
for Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

TEJINDER SINGH DHINDSA J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.3 dated 12.01.2014 under Section 306 IPC, registered at Police Station Dera Baba Nanak, District Gurdaspur.

On 21.03.2014, the following order was passed by this Court:-

“This is a petition preferred under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.3 dated 12.01.2014 under Sections 306 IPC registered at Police Station Dera Baba Nanak, District Gurdaspur.

The complainant in this case is Mangat Singh i.e. father of the deceased Palwinder Kaur. The present petitioner is the 84 years old mother in law of deceased Palwinder Kaur.

Learned counsel appearing for the petitioner would submit that even as per version and statement of the complainant, the entire gamut of allegations are against the husband of the deceased i.e. the son of the petitioner who is stated to be staying away from the marital house

and having not looked after and having denied expenses to his wife. That apart, the direct allegation is against the husband of the deceased namely Balwinder Singh who is stated to having handed over some tablets from the right pocket of his trouser to the deceased and having told her that you keep

wishing to die and as such, you may consume such tablets. The only allegation against mother in law is that at the time of occurrence of having consumed such tablets by deceased, the mother in law made no attempt to stop her from doing so.

The issue as regards offence of abetment having been made out against the petitioner would a moot point to be taken up for adjudication at the stage of trial. The petitioner is an old lady of 84 years of age. Counsel submits that the petitioner otherwise is ready and willing to join investigation.

Notice of motion for 30.05.2014.

In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State Counsel upon instructions from ASI Samual Masid would apprise the Court that the petitioner has joined investigation.

That apart the contentions raised on behalf of the petitioner as recorded in the notice of motion order have gone un-rebutted. The petitioner having already joined investigation and keeping in view the fact that she is a lady, 84 years of age, this Court is of the considered view that her custodial interrogation would not be warranted.

Accordingly, the present petition is allowed.

Order dated 21.03.2014 passed by this Court is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

31.07.2014.