

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.18722 of 2014

Date of Decision:19.02.2015

Gurmeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Rakesh Gupta, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

**Mr.Ravi K.Mattoo, Advocate,
for Mr.Chanchal K.Singla, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

Petitioner-Gurmeet Kaur wife of Gurdev Singh(mother-in-law) has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against her along with her son & main co-accused Prem Singh(husband) of complainant-Sukhwant Kaur, vide FIR No.48 dated 21.04.2014, on accusation of having committed the offences punishable under Sections 406 and 498-A IPC, by the police of Police Station Women Cell, District Patiala.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for anticipatory bail

deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed on 28.05.2014 by this Court:-

“Learned counsel, inter alia, contended that first marriage of complainant Sukhwant Kaur daughter of Surjit Kaur, was solemnized with Sher Singh (son of petitioner) on 24.02.2008, and two daughters were born out of their wedlock. The argument is that after the death of Sher Singh, she performed second kareva marriage with Prem Singh, (brother of her first husband), who was also a divorcee. The marriage of the complainant was stated to be simple/dowry less. Moreover, petitioner is mother in-law and has been falsely implicated in this case by the complainant in order to wreak vengeance. Very vague and general allegations of cruelty in connection with and on account of demand of dowry are assigned and no indicated offences are made against the petitioner.

Heard.

Notice of motion be issued to the respondent, returnable for 22.07.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of her arrest, the Arresting Officer would admit her to bail on her furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Mehinder Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. She is no longer required for further interrogation, at this stage. There is no history of her previous involvement in any other criminal case. Moreover, the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. Not only that, Prem Singh, main co-accused & husband of

the complainant, has already been granted the concession of anticipatory bail, by means of order dated 21.01.2015 by the Additional Sessions Judge. Therefore, I see no reason not to extend the same benefit of pre-arrest bail to the present petitioner, whose case is on better footing than that of Prem Singh, husband of the complainant.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of her bail in this Court.

February 19, 2015
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(MEHINDER SINGH SULLAR)
JUDGE