

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

Criminal Misc.No.M-27480 of 2015

Date of Decision: September 15, 2015

Surinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.S.S.Brar, Advocate,
for the petitioner.

Mr.P.S.Ghuman, Addl.AG, Punjab.

Informant in person along with
Mr.I.P.S.Kohli, Advocate.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Surinder Kaur (mother-in-law), who has been booked for having committed the offences punishable under Sections 377, 406 and 498-A, IPC, in a case arising out of FIR No.80, dated 20.07.2015, registered at Police Station, Sadar, Rupnagar.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also the ingredients of Section 377, IPC, are not attracted qua the petitioner, who is the mother-in-law of informant; the husband of informant was arrested and granted bail. It has been pointed out that

the husband of the petitioner i.e father-in-law of the informant, has been granted anticipatory bail by this Court vide CRM-M-26481 of 2015. He further contends that in compliance of the interim directions dated 19.08.2015 issued by this Court, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from HC Jaswinder Singh, Police Station, Sadar, Rupnagar, submits that the petitioner has joined the investigation and is no more required for custodial interrogation. He further submits that despite the request of the police, the informant has refused to collect the dowry articles as per statement dated 27.07.2015.

Learned counsel for the informant, after taking instructions from her (informant) has opposed the grant of anticipatory bail to the petitioner. However, he could not justify as to why the custody of the petitioner is required.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Interim directions issued by this Court vide order dated 19.08.2015 are made absolute.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions as laid down under Section 438(2), Cr.P.C.

Since learned counsel for the informant insists that there are bright chances of compromise, therefore, the Presiding Officer, Lok Adalat, Rupnagar, is directed to make sincere efforts to resolve the matrimonial dispute going on between the private

parties in the present case if the informant, Kulvir Kaur, appears before the Lok Adalat and moves an application in that regard.

Learned counsel for the petitioner has no objection to the above prayer made by learned counsel for the informant.

September 15,2015
seema

(Naresh Kumar Sanghi)
Judge