

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.3415 of 2015

Date of Decision:18.02.2015

Gurvinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr.Vijay Lath, Advocate,
for the petitioner.

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

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against her along with her other co-accused, vide FIR No.109 dated 14.09.2014, on accusation of having committed the offences punishable under Sections 365 and 34 IPC, by the police of Police Station Ramdas, District Amritsar.

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 February 02, 2015 by this Court:-

“Learned counsel, inter alia, contended that the petitioner has been

falsely implicated in this case by the complainant on account of matrimonial disputes and previous enmity between them. The argument is that she(petitioner) has already filed a petition under Section 125 Cr.P.C. against her husband and the present case was registered against her in order to put pressure and to wreak vengeance.

Heard.

Notice of motion be issued to the respondent, returnable for 18.02.2015.

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 SI Sukhwinder 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. 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 18, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE