

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

CRM No.M-43769 of 2014

Date of decision: 09.02.2015

Neelam Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.P.S. Bal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Dilbag Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought interim blanket bail, in the event of her arrest.

Learned counsel for the petitioner contends that petitioner being a widow senior citizen and mother in-law, is apprehending threats at the hands of her daughter in-law, Simran Sharma, who left her young child with the petitioner.

On the other hand, the learned State counsel opposes the prayer of bail and submits that there is no complaint or FIR against the petitioner nor she is required for any custodial interrogation.

In *Arnesh Kumar* Vs. *State of Bihar*, 2014 (3) RCR Criminal 527 (SC), the Apex Court observed that in a number of cases provisions of Section 498-A and Dowry Prohibition Act are being misutilized by disgruntled wives to harass to husband and relatives of husband to get them arrested. The Apex Court directed not to make arrest without reasonable satisfaction and genuineness of allegations.

The apprehension of the petitioner is believed to be bona fide as per affidavit furnished by the petitioner. In case any complaint lodged by her daughter in-law Simran Sharma, a three days' prior notice shall be given to the petitioner, in case the police intends to arrest the petitioner. It is made clear that the present order only pertains to the complaint, if any, lodged by her daughter in-law.

Disposed of with the above direction.

09.02.2015

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(JITENDRA CHAUHAN)
JUDGE