

Sr. No.201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-17304 of 2015 (O&M)

Date of Decision: 30.05.2016

Gian Kaur

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Sarju Puri, Advocate,
for the petitioner.

Ms. Anmol Grewal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.47 dated 21.04.2015, under Sections 364 of Indian Penal Code (Sections 302, 201 of IPC added later on), registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Brief factual position is that the complainant, namely, Charan Kaur, initially got lodged a report dated 25.06.2012 as regards her son, namely, Vijay Kumar having gone missing. FIR in the first instance was registered under Section 364 IPC. Subsequently, offence under Section 302/201 IPC have been added. It is the contention raised by counsel appearing for the petitioner that such offences have been added without therebeing any basis as neither the dead body of the complainant's son has been recovered till date nor is there any evidence to even prima facie show that son of the complainant has been kidnapped or murdered.

On 29.05.2015, the following order was passed by this Court:-

“The petitioner is ready to join the investigation. He Would provide details of the Passport No. and place where her son has gone.

Adjourned to 20.08.2015.

The petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on bail to the satisfaction of the arresting/investigating officer subject to the conditions laid down in section 438 sub section 2 clauses (i)(ii) and (iii) of the Code of Criminal Procedure.”

Learned State counsel would apprise the Court that the petitioner has since joined investigation. That apart, it is submitted that an inquiry was conducted at the hands of DSP, Sub Division, Hoshiarpur and in which the allegations against the present petitioner have been found to be unfounded.

The inquiry proceedings are stated to have been approved even by the SSP, Hoshiarpur.

Under such circumstances, present petition is allowed. Order dated 29.05.2015, passed by this Court, is made absolute.

Disposed of.

30.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE