

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8559 of 2016 (O&M)

Date of Decision: 03.06.2016

Rajwinder Kaur

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. S.S. Sarwara, Advocate for
Mr. Swarn Tiwana, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.46 dated 12.2.2016 under sections 367, 148, 149 I.P.C, registered at Police Station, Fatehgarh Sahib, District Fatehgarh Sahib.

This Court, while issuing notice of motion on 11.3.2016 had passed the following order:-

“F.I.R has been registered on the statement of Mandip Singh son of Jaswant Singh. Allegations in a nutshell are with regard to Baljit Singh, uncle of the complainant having been kidnapped by the present petitioner as also 4/5 other persons and having been taken away in an Innova car.

It is the categoric submission made by counsel for the petitioner that the allegations are totally false, unfounded and Baljit Singh is very much present and living in his own matrimonial house.

Notice of motion.

On the asking of the Court, Mr. D.S. Virk, learned A.A.G., Punjab accepts notice on behalf of respondent-State. A complete copy of the petition has been furnished to learned

State counsel in Court today itself and who would seek instructions in the matter by the adjourned date.

List on 17.3.2016.”

Thereafter, during the course of resumed hearing, this Court on 17.3.2016 had observed as follows:-

“Learned State counsel upon instructions from ASI Suresh Kumar would apprise the Court that Baljit Singh has since been recovered from Gobindgarh city close to G.T. Road. State counsel has also read out the statement recorded of Baljit Singh and as per which it is alleged that the petitioner has eyes on his property and it is towards achieving such oblique objective that he had been abducted by the henchmen of the present petitioner.

Counsel appearing for the petitioner, however, would refer to the documents placed on record at Annexures P-1 and P-2 (colly) to contend that the statement suffered by Baljit Singh is totally false and rather she has been maltreated on previous occasions and on account of which even FIR No.107 dated 19.07.2014 had been registered and thereafter the matter was even taken before the Panchayat and in which Baljit Singh had furnished assurance that he would henceforth not consume liquor and would not beat his wife i.e. the present petitioner.

Counsel would contend that under such circumstances, custodial interrogation of the petitioner would not be warranted and who is otherwise ready and willing to join investigation.

List on 03.06.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall

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*remain bound by the conditions envisaged under Section 438
(2) Cr.P.C.”*

Learned State counsel upon instructions from ASI Baljinder Singh would apprise the Court that the petitioner has since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 17.3.2016, passed by this Court, is made absolute.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)
JUDGE**

03.06.2016

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