

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

CRM-M No. 30842 of 2017

DATE OF DECISION :- November 15, 2017

Prabhjot Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Bikramjit Aroura, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

This petition for pre arrest bail has been filed by petitioner Prabhjot Kaur, an accused in F.I.R. No. 21 dated 4.4.2017 for offence under Section 346 IPC later on Section 365 IPC added registered with Police Station Khalra, District Tarn Taran.

Briefly stated facts of the case as per the prosecution story are that F.I.R. was registered on the basis of statement of complainant Gursahib Singh son of Lakhwinder Singh, caste Jat, resident of Narla, aged about 40 years, an agriculturist by evocation, who got recorded his statement with the police on 4.4.2017 stating that his younger brother Jaskaranbir Singh @ Laddi who had been residing near his house and was a truck driver by occupation was missing from home. He had enquired from Prabhjot Kaur, wife of Jaskaranbir Singh @ Laddi but she could not give any specific reply. Rather stated on 10.8.2015, he had left the house without telling her

and she had informed the police on that regard. In the statement the complainant had stated that as told to him by Jaskaranbir Singh @ Laddi, there remained dispute between Jaskaranbir Singh @ Laddi and Prabhjot Kaur. Brother of Jaskaranbir Singh @ Laddi suspected her moral character. Thereafter, Prabhjot Kaur had also left the house along with her children. The complainant expressed an apprehension that Jaskaranbir Singh @ Laddi had been kidnapped and secretly concealed by Prabhjot Kaur in connivance with some other person. On recording of the F.I.R since offence under Section 346 IPC happened to be bailable one, petitioner had surrendered in the Court and was released on regular bail by JMIC, Patti vide order dated 12.4.2017. Subsequently, offence under Section 365 IPC was added. She moved an application for grant of pre arrest bail which was declined by Additional Sessions Judge (Vacation Judge), Tarn Taran vide order dated 16.6.2017 and as such she has approached this Court. She was granted interim bail with a direction to join the investigation. She has since joined the investigation.

Learned counsel for the petitioner has contended that it was the petitioner, who had reported the matter to the police and made efforts to locate her husband. The complainant, who is brother in law of the petitioner wants to implicate her in this case so as to grab the landed property. Since no recovery is to be effected from her, therefore, she be granted pre arrest bail.

Though learned State counsel has opposed the request but I find that keeping in view the facts and circumstances of the case, custodial interrogation of the petitioner is not found to be necessary and petition

deserves to be allowed, since there is nothing to show that after being granted bail for offence under Section 346 IPC, she has misused concession of bail till offence under Section 365 was added.

Under such circumstances, the interim bail granted to the petitioner on 23.8.2017 is made absolute, subject to her fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

November 15, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No