

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

CRM-M-42509-2016

Date of decision: 17.8.2017

Updesh Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.DS Randhawa, Advocate for
Mr.Narinder Singh, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab assisted by
ASI Nirmal Singh

Mr.SK Singla, Advocate for the complainant

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure is for granting anticipatory bail to the petitioner in case First Information Report No.157 dated 29.10.2016 registered under Sections 323, 498-A of the Indian Penal Code at Police Station Amloh, District Fatehgarh Sahib.

On 29.11.2016, while issuing notice of motion and granting interim anticipatory bail to the petitioner, the following order was passed by this Court:-

“Learned senior counsel for the petitioner inter alia contends that the marriage of the Harpreet Kaur-daughter of the complainant was solemnized with one Avtar Singh who had died due to heart attack. At that

time, she had given a birth to one daughter whose age is around 9 years but after performing the second marriage of complainant, her in-laws, have raised demand of dowry and they have refused to take daughter from the earlier marriage of Harpreet Kaur.

Notice of motion for 21.03.2017.

On the oral request of learned counsel for the petitioner, complainant-Harpreet Kaur be impleaded as respondent No.2. Registry to do the needful. Notice be issued to the complainant/respondent No.2-Harpreet Kaur, subject to deposit of Rs.15,000/- as litigation expenses by the petitioner with the Registry of this Court before the next date of hearing.

In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438 (2) Cr.P.C.

1. Petitioner shall make herself available for interrogation by a police officer as and when required;
2. Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;
3. Petitioner shall not leave India without the previous permission of the Court;

4. Such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”

Learned State counsel, on instructions from ASI Nirmal Singh, informs that the petitioner has joined investigation in compliance of the order dated 29.11.2016 and is not required for further custodial interrogation.

In view of the above, the present petition is allowed. The order dated 29.11.2016, vide which the petitioner was granted interim anticipatory bail is made absolute subject to her furnishing bail/ surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

17.8.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No