

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24296-2019

Date of decision : 10.09.2019

Manjit Kaur @ Sarabjit Kaur

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Gulati, Advocate for
Mr. Kamal Narula, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of FIR No. 108 dated 26.09.2018, registered at Police Station City Kulgarhi, District Ferozepur, under Sections 363 and 366-A of IPC.

2. The FIR was registered at the instance of Kamal Masih, wherein it has been alleged that he was married to Ritu about 15 years back and was blessed with two children. The complainant came to know that his daughter Shokena was having an affair with a boy of their village, namely, Jaspreet Singh. Having come to know about the same, the complainant shifted his family to his in-laws village. It is alleged that on 22.09.2018, when he alongwith other members of the family was sleeping, his wife suddenly woke up and saw that Nachhatar Singh and his wife Manjit Kaur, i.e. the parents of Jagpreet Singh were sitting on a

motorcycle with its engine started and that there was another motorcycle on which Jagpreet Singh was trying to make complainant's daughter Shokena sit.

3. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and that in any case, no overt act had been attributed to her. It has further been submitted that falsity of the FIR would be evident on the fact that the petitioner is physically handicapped to the extent of 80%.

4. Opposing the petition, learned State counsel has, however, opposed the petition while submitting that since the petitioner is specifically named in the FIR, no case for grant of anticipatory bail is made out. It has however been informed that the husband of the petitioner has already been granted anticipatory bail and that the present petitioner has also joined investigation.

5. Learned State counsel, upon instructions from ASI Amanpreet Kaur, Police Station Kulgarhi, Ferozepur has informed that the petitioner indeed is physically handicapped.

6. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has already joined investigation and while noticing that even as per FIR, no overt act regarding the alleged abduction has been attributed to the present applicant, in my opinion, the present case is not such, which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 27.05.2019 are hereby made absolute subject to the condition that the petitioner shall join

investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

10.09.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No