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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16840-2020 (O&M)

Date of decision: 16.07.2020

Daljit Kaur

.....Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Liaquat Ali, Advocate, for the petitioner.

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

Mr. Manish Verma, Advocate, for the complainant.

Sanjay Kumar, J.

CRM-16326-2020

This application is ordered and the documents produced by the complainant are taken on record as Annexures C-1, C-2 and C-3.

CRM-M-16840-2020

The petitioner is one of the accused in FIR No. 35 dated 02.06.2020 on the file of Police Station Jodhan, District Ludhiana Rural, registered under Sections 313 and 506 IPC. The petitioner is the mother-in-law of the complainant. The allegation is that she, along with her son, the complainant's husband, and her daughter, caused the miscarriage of the complainant's unborn child by administering some medicine.

By way of this petition, she seeks grant of anticipatory bail under Section 438 Cr.P.C.

Mr. Manish Verma, learned counsel for the complainant, would vehemently oppose her plea and contend that the petitioner herein would not be entitled to relief as grant of bail to her at this stage may be taken advantage of by the other accused. However, perusal of the statement of the complainant (Annexure C-1) demonstrates that specific overt acts were attributed by her only to her husband and her sister-in-law. No allegation was made against the petitioner with regard to the administration of the medicine in question and only a general averment was made to the effect that under the influence of the petitioner, the husband and the sister-in-law resorted to such forcible acts.

Given the nature of the allegation levelled by the complainant against the petitioner, this Court is of the opinion that her custodial interrogation may not be required at this stage.

The petition is accordingly allowed directing the release of the petitioner on bail in the event of her arrest in FIR No. 35 dated 02.06.2020 on the file of Police Station Jodhan, District Ludhiana Rural, subject to the petitioner furnishing a personal bond for a sum of Rs. 40,000/- along with two sureties for a like sum each to the satisfaction of the Investigating/Arresting Officer. Further, the petitioner shall co-operate fully with the investigation and shall also abide by all the other conditions prescribed under Section 438(2).

(SANJAY KUMAR)
JUDGE

16.07.2020

rakesh

whether speaking/non speaking

: Yes/no

whether reportable/non reportable

: Yes/no