

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

CRM-M-27593-2020 (O&M)

Date of decision: 03.11.2020

Kamaljeet Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr. L.M. Gulati, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. G.S. Simble, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioners Kamaljeet Kaur and Charanjit Kaur, both of them being accused in FIR No.85 dated 30.07.2020, for offences under Sections 363 and 366 IPC, registered with Police Station Kahnuwan, District Gurdaspur.

Briefly stated facts of the case as per prosecution story are that, daughter of complainant Baldev Singh, namely, Navpreet Kaur, aged about 17 years, 01 month and 20 days had gone missing from home on the intervening night of 24/25.07.2020. The complainant suspected that his daughter had been enticed away by Gurwinder Singh @ Nikka son of Rashpal Singh on the pretext of marriage. Formal FIR was accordingly registered. Kamaljeet Kaur, aged about 79 years,

grandmother of Gurwinder Singh and Charanjit Kaur, aged about 47 years, married paternal aunt of Gurwinder Singh were also nominated as accused in this case.

Apprehending their arrest in this case, two of them had approached the Court of Sessions at Gurdaspur seeking pre-arrest bail. Their such application was assigned to Addl. Sessions Judge, Gurdaspur, who vide order dated 03.09.2020, dismissed the same. It may be mentioned here that another accused, namely Lakshdeep Khasria had also joined Kamaljeet Kaur and Charanjit Kaur in filing application for pre-arrest bail but the application had been withdrawn on his behalf. Feeling aggrieved by the order passed by learned Addl. Sessions Judge, Gurdaspur, declining pre-arrest bail to them, petitioners Kamaljeet Kaur and Charanjit Kaur have approached this Court, praying for grant of similar relief, by filing the present petition, notice of which was given to the State. The State counsel has accordingly put in appearance. Complainant has also appeared through counsel.

It may be mentioned here that both the petitioners have been granted interim bail by this Court and they have accordingly joined the investigation.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners has contended that since the petitioners have joined the investigation and have been released on interim bail, no recovery is to be effected from them, therefore, their custodial interrogation is not required. As such, the petition be accepted.

Learned State counsel on instructions from SI Sarabjit Singh submits that since the petitioners have joined the investigation, therefore, their custodial interrogation is not required.

Learned counsel for the complainant, though, opposes the petition, however, I find that keeping in view the totality of circumstances, the fact that both the petitioners are women; petitioner No.1 Kamaljeet Kaur being of advanced age of 79 years and grandmother of Gurwinder Singh; petitioner No.2 Charanjit Kaur, aged about 47 years, a married paternal aunt of said Gurwinder Singh; names of these two not figuring in the FIR and further, the State counsel having stated that custodial interrogation of the petitioners is not required, the present petition deserves to be accepted. The same is accordingly allowed. The interim bail granted to the petitioner No.1 Kamaljeet Kaur, vide order dated 14.09.2020 and to petitioner No.2 Charanjit Kaur, vide order dated 07.10.2020 is made absolute, subject to the following conditions:-

- 1.That the petitioners shall make themselves available for investigation by a police officer as and when required;
- 2.That they 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 him from disclosing such facts to the Court or to any police officer and;
- 3.That they shall not leave India without prior permission of the Court.
- 4.They shall surrender their passports before the Investigating Officer and if they are not having passports, then, shall file the affidavits in that regard.

In case, the petitioners violate any terms & conditions, on

which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

03.11.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No