

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

209

**CRM-M-29056-2020
Date of decision: 27.10.2020**

Kamaldeep Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kuldeep Singh Saini, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab
for respondent No.1-State.

Mr. Gurdarshan Singh Sidhu, Advocate
for respondent No.2/complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.218 dated 30.06.2020 registered under Sections 323, 380, 506 and 427 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Sangrur.

While issuing notice of motion on 22.09.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State counsel. However, no reply has been filed by respondent No.1-State.

Vide order dated 22.09.2020 passed by this Court, the

complainant was impleaded as respondent No.2 and Mr. Gurdarshan Singh Sidhu, Advocate has put in appearance on behalf of respondent No.2 who has undertaken to file his power of attorney in the registry.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the respondent No.2 and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case due to family dispute. The petitioner is working in JW Marriott, Jaipur as Yoga Instructor. Sukhmani Kaur, sister of the petitioner is married and having dispute with her husband and is living at her parental home for the last five years. She approached the fiancé of the petitioner and told him that the petitioner has illicit relations due to which engagement of the petitioner was broken. The petitioner filed complaint against her sister on 28.05.2020 and the present FIR has been registered as a counter blast of the same. The petitioner did not damage the household articles and did not commit any theft of jewellery. In compliance with order dated 22.09.2020, the petitioner has joined the investigation. Nothing is to be recovered from her and her custodial interrogation is not required.

Learned State counsel and learned counsel for respondent No.2 has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from the investigating officer, acknowledged that in compliance with order dated 22.09.2020 passed by this Court, the petitioner has joined the

investigation and that her custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 22.09.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

27.10.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No