

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

CRM-M-167-2021 (O&M)

Date of decision : 23.04.2021

Priya Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 128 dated 06.12.2020 registered under Sections 312, 313, 498-A, 323, 506 and 120-B of IPC, at Police Station Bhadaur, District Barnala.

On 06.01.2021, this Court passed the following order :-

“ Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 128 dated 06.12.2020 under Sections 312/313/498-A/323/506/120-B IPC registered at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner submits that there is a matrimonial dispute between complainant-Tamanna and her in-laws family. She further submits that though the petitioner is the sister-in-law of the complainant yet she has been residing at village Takhanwand, District Moga whereas the other members of the in-laws family of the complainant are residing at Bhadaur, district Barnala. She

further submits that in the FIR, specific allegations have been levelled by the complainant against her grand father-in-law, mother-in-law and husband Narinderpal that they had forcibly put the tablet in her mouth and also pressed her neck. However, no such allegation has been levelled against the petitioner. Learned counsel further submits that petitioner has been residing with her two tender aged children and has never visited Bhadaur in the last 25 years and at the time of occurrence also, she was not present at Bhadaur, district Barnala.

Notice of motion.

On the asking of the Court, Mr. Saurav Khurana, DAG, Punjab accepts notice on behalf of the State and submits that the petitioner is the sister-in-law of the complainant and has been named in the FIR and she has been instrumental in getting the pregnancy of the complainant terminated.

Adjourned to 31.3.2021.

Meanwhile, petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner states that pursuant to the order dated 06.01.2021 passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Baljeet Singh, states that the petitioner has joined the investigation and she is not required for any further investigation.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 06.01.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

23.04.2021
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No