

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

CRM-M-91-2021

Date of decision: 09.02.2021

Monika @ Mona Rani

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. T. P. S. Makkar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gaurav Chopra, Advocate
for the complainant/respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 265 dated 03.12.2020, registered under Sections 498-A, 406 of the IPC and Section 4 of the Dowry Prohibition Act, 1961 at Police Station City-1 Abohar, District Fazilka.

In pursuance to order dated 06.01.2021, separate replies, by way of affidavit of Incharge/IO, Women Cell, Abohar as well as Senior Superintendent of Police, Fazilka, have been filed in Court today.

A perusal of the affidavit of the Investigating Officer shows that during investigation, the petitioner is found to be innocent as no incriminating evidence has come against her and inadvertently, it was recommended to register the FIR against the petitioner and the mistake is not *mala fide*.

In the affidavit of Senior Superintendent of Police, Fazilka,

which is also on similar line, it is stated that since SI Munshi Ram did not follow the proper procedure in conducting the inquiry in the FIR, a departmental inquiry has been initiated against him and the order is attached with the affidavit as Annexure R-1.

Learned State counsel, on instructions from ASI Harbinder Singh, submits that a cancellation report qua petitioner has been approved by the Senior Superintendent of Police, Fazilka and the same will be submitted before the Illaqua Magistrate within a period of four weeks from today.

In view of the above, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 06.01.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since as per note submitted by the Registry, no explanation is received from the Additional Sessions Judge, Fazilka, the Registrar General of this Court is directed to seek the explanation from the said Judicial Officer, in terms of order dated 06.01.2021, within a period of four weeks from today and put up the same before this Court in *Katcha Peshi*.

09.02.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No