

**202-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10611-2021

Date of decision-23.11.2021

Saroj Rani

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Riffi Birla, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.
None for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.105 dated 21.04.2020 under Section 306 Indian Penal Code, 1860 registered at Police Station Fazilka, Punjab. The petitioner apprehended her arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.03.2021, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner herein would contend that the petitioner is falsely implicated in the said FIR and that an offence under Section 306 IPC would not be made out. It is argued that in fact the deceased, namely, Ashu was convicted by the Juvenile Justice Board, Fazilka for an offence under Sections 376/452/506 IPC registered at Police Station City Fazilka in FIR No.53 dated 13.05.2011. The said FIR was registered against the deceased on a statement given by the daughter of the petitioner herein. It is further submitted that even after conviction there is nothing on the record to show that he was being harassed by the prosecutrix or her family members. The petitioner herein is the mother of the prosecutrix.

*Notice of motion for 26.07.2021.
At this stage, Mr. Amit Mehta, Sr. D.A.G., Punjab accepts notice on behalf of respondent-State and Mr. Gagandeep Singh, Advocate appearing for Mr. Parvesh Sachdeva, Advocate accepts notice on behalf of the complainant.
Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.
To be heard along with CRM-M-6256-2021.”*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to her, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Kulwant Singh does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.03.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

23.11.2021

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