

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-41906-2021

Date of Decision : December 09, 2021

Saroj Bansal

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parminder Singh-I, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Ms. Gurpreet Kaur, Advocate, for
Mr. Parminder Singh Sekhon, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.17 dated 06.05.2021 registered under Sections 498-A, 406 and 506 of the IPC at Police Station Women, Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 06.10.2021. Order dated 06.10.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.17 dated 06.05.2021 registered under Sections 498-A, 406 and 506 of the IPC at Police Station Women, Bathinda, District Bathinda.

Learned counsel for the petitioner argues that the allegations in the present FIR are against the petitioner as

well as her son namely, Ishant Bansal, who is the husband of the complainant and has already been granted the benefit of anticipatory bail by the Court below vide order dated 07.07.2021 and, therefore, once the husband of the complainant has already been granted the benefit of the anticipatory bail by the Court below, the petitioner, who is the mother-in-law of the complainant may also be extended the same benefit. Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation.

Notice of motion for 09.12.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the fact that the husband of the complainant namely, Ishant Bansal has already been granted the benefit of anticipatory bail by the Court below.

Learned counsel appearing on behalf of the complainant submits that the complainant made all the efforts to live in the matrimonial house but, it was only the petitioner herein, who instigated the husband of the complainant, due to which, the complainant was thrown out of the matrimonial home within fifteen days of her reentering the matrimonial home and, therefore, the petitioner be not extended the benefit of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

This Court is not to adjudicate upon the guilt or the innocence of the petitioner in these proceedings and the only question before this Court is whether the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in investigation or the custodial

interrogation of the petitioner is necessary so that free and fair investigation can be done. Keeping in view the fact that the son of the petitioner, who is the husband of the complainant, against whom the similar allegations have been alleged, has already been granted the benefit of anticipatory bail by the Court below, no ground is made out to deny the said concession of anticipatory bail to the petitioner.

The petitioner is directed to join the investigation forthwith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make herself available for interrogation by the police officer as and when required.

(ii) That she 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 her from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C .”

Learned State counsel, who is present in the Court, on instructions from ASI Jagsir Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation but despite best efforts of the Investigating Agency, nothing has been recovered from the petitioner and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 06.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 09, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No