

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

210

CRM-M No.40466 of 2020

Date of Decision:29.01.2021

BALJINDER KAUR AND ANR

.....Petitioners

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms.Ruby Kaur , Advocate
for the petitioner.

Mr.Amar Ashok Pathak , Addl..A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.281 dated 21.11.2020 under Sections 406, 498-A IPC registered at Police Station Tanda District Hoshiarpur.

Learned counsel for the petitioner submits that petitioner No.1 herself is the complainant in the complaint filed against her daughter-in-law Gurwinder Kaur, Rajdeep Singh (son of petitioners), Jagtar Singh and Baldev Singh. Perusal of the FIR would show that the version of the petitioners was recorded by the police as if they being the senior citizen are

the victims, but in the police proceedings, the FIR has been registered against the petitioners on the basis of complaint No. 5469 PD dated 09.10.2020 filed by Gurwinder Kaur under Sections 406, 498-A IPC against her husband Rajdeep Singh, mother-in-law Baljinder Kaur and father-in-law Surjit Singh. In the complaint filed by the petitioner No.1, petitioners have pleaded atrocities at the instance of Gurwinder Kaur and the same intended to victimize the petitioners.

Precisely for the grievance of the petitioners, they ventured to file CRWP No. 6964 of 2020 in the High Court, which was disposed of vide order dated 09.09.2020 with a direction to SSP, Hoshiarpur to look into the grievance of the petitioners, which was pending before the authority in the form of representation. The authority was directed to act in accordance with law. While issuing notice of motion on 04.12.2020, arrest of the petitioners was also stayed. Since the petitioners are senior citizens and the dispute appears to be between complainant Gurwinder Kaur vis-a-vis her husband Rajdeep Singh, therefore, I deem it appropriate grant anticipatory bail to the petitioners.

Accordingly, this petition is allowed. Petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 05.02.2021 and in the event of their arrest,

they shall be released on anticipatory bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer;
- iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.

January 29, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No