

CRM-M-5835-2022

Date of decision: 29.04.2022

SITA DEVI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Raju Arora, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 11.02.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.320/2021 dated 01.11.2021 under Section 498-A, 494, and 420 IPC, later on added Section 3 of SC & ST Act, Police Station Focal Point, Ludhiana, Punjab.

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the complainant. The petitioner was not present at the time of marriage of the complainant with her son. The petitioner had been residing in District Partapgarh, U.P. and never visited Ludhiana. There are no allegations with regard to making of any derogatory remarks against the caste of the complainant in the FIR and as such, it become debatable as to whether the penal provisions of Section 3 of the SC/ST Act are attracted or not.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of respondent No.1-State and seeks time to get instructions.

Adjourned to 29.04.2022.

In the meanwhile, the petitioner is directed to join the investigation and in the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438(2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

On instructions from ASI Darshan Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 11.02.2022, 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.

The petition is allowed.

29.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No