

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

**CRM-M-21884-2022
Date of Decision: 09.12.2022**

BALWINDER KAUR

... PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Partap Singh, Advocate for
Ms. Renu Arora, Advocate, the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Atul Jain, Advocate, for the complainant.

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VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.64, dated 10.04.2022, registered under Sections 376, 120-B IPC at Police Station Sultanpur Lodhi, Tehsil and District Kapurthala,

On 31.05.2022 following order was passed:

Learned counsel for the petitioner inter-alia contends that the petitioner, who is a 45 years old house wife, has been falsely implicated in this case at the behest of the prosecutrix because the prosecutrix was interested to have relations with the petitioner's son-in-law and he refused to succumb to her desire; the story of the prosecution is highly improbable that the petitioner, along with her daughter facilitated her son-in-law to commit rape upon the prosecutrix; the other fact alleged by the prosecutrix that the petitioner and her daughter forced the prosecutrix to consume liquor so that the petitioner's son-in-law could commit rape upon her is equally improbable; there is no medical evidence to support the allegations of rape; the messages by the prosecutrix to the petitioner's son-in-law's friend clearly shows that the petitioner's son-in-law had blocked the prosecutrix's calls/messages showing malafides on the part of the prosecutrix as also further falsity in the prosecution's case and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Ms. Gunkirat Kaur, Assistant Advocate General,

Punjab, accepts notice on behalf of the respondent-State and Mr.Atul Jain, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 07.09.2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of her arrest in FIR No.64, dated 10.04.2022, registered under Sections 376, 120-B, IPC at Police Station Sultanpur Lodhi, District Kapurthala, she shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions.

Learned State counsel has not disputed the aforesaid factual aspect of the case and has submitted that the custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 31.05.2022 is made absolute.

09.12.2022

Janki

**(VIVEK PURI)
JUDGE**

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