

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

205

**CRM-M-39711-2021
Date of Decision:03.03.2022**

POOJA SIDHU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Aman Deep Saini, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

FIR, Annexure P-1, has been registered on the statement of Ram Babu, father of Baljeet Kaur, deceased, on the allegation that his daughter was married to Balwant Singh and the couple resided together at Chandigarh, where Balwant Singh was doing a private job. Since the last one year, they are residing at the native village of her husband, where his daughter was harassed by her husband, Kamlesh, mother-in-law, Surinder Singh, father-in-law, Kuldeep, brother-in-law and Pooja Sidhu, sister-in-law (present petitioner) on account of bringing insufficient dowry. On 17.08.2021, he received information that his daughter has consumed a poisonous substance and expired even prior to being taken to the hospital.

Counsel for the petitioner submits that the petitioner, who is 17 years of age, is a child in conflict with law and has been granted interim bail by this Court and she has joined the investigation pursuant to the said order.

Upon instructions from ASI Surinder Pal, State counsel has ascertained this fact and has submitted that the final report has been presented on 16.11.2021 and the petitioner, who is not involved in any other criminal case, is not required for custodial interrogation.

Heard counsel for the parties.

While granting interim protection to the petitioner, this Court passed the following order on 23.09.2021:-

“This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner (minor) in case FIR No.56, dated 17.08.2021, registered under Section 304-B of IPC (Section 304-B IPC added lateron and Section 306 IPC deleted), at Police Station Pojewal, District SBS Nagar.

Learned counsel appearing on behalf of the petitioner would contend that the court below has dismissed her application on the ground that she being a juvenile would have to file an application before the Juvenile Justice Board. It is contended that in fact the question whether a juvenile is entitled to maintain an application under Section 438 Cr.P.C. for grant of pre-arrest bail in view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is pending consideration in the High Court in CRM-M-17856- 2020.

I have heard learned counsel for the petitioner and in view of the fact that the matter is pending consideration as to whether bail can be allowed to a juvenile under Section 438 Cr.P.C., in the facts and circumstances of the present case, deem it appropriate to allow the petitioner herein to join investigation.

Notice of motion for 03.03.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on her doing so, the petitioner be released on interim bail subject to her furnishing personal/surety bonds 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 as provided under Section 438(2) Cr.P.C.”

Keeping in view the statement made by the State counsel and also that reference made to a Division Bench of this Court in CRM-M-17856-2020 is pending, the present petition is allowed and the order dated 23.09.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

03.03.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No