

**206/6 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-41925-2021
Decided on : 27.01.2022

Harbans Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.59 dated 18.04.2021 under Sections 498-A and 323 IPC (Sections 325 and 376 IPC 1860 and Section 3(1) of SC/ST Act added later on), registered at Police Station Sadar Dhuri District Sangrur.

Learned counsel for the petitioner submits that the petitioner is the mother-in-law of the complainant and it was on account of matrimonial dispute between the petitioner's son and the complainant, a highly unbelievable and fabricated case had been foisted upon her, by the prosecutrix. Learned counsel submits that the petitioner was granted the concession of anticipatory bail vide order date 21.05.2021 (Annexure P-2) passed by the learned trial Court under Sections 498-A and 323 of the IPC. It has been submitted that initially the investigating agency did not find any substance in the allegations levelled against the petitioner including the co-accused qua the commission of offences attracting the mischief of Sections 376 and 325 of the IPC and Section 3(1) of the SC&ST Act, however,

subsequently on the same set of allegations qua which the investigating agency had earlier found no substance, Sections 376 and 325 of the IPC and Section 3(1) of the SC&ST Act were added. Learned counsel further submits that similarly situated co-accused have been extended the concession of bail by this Court vide order dated 10.08.2021 in CRM-M-31848-2021, CRM-M31911-2021 and CRM-M-31961-2021.

Learned counsel for the petitioner states that in compliance of order dated 06.10.2021, the petitioner has since joined the investigation and cooperated with the investigating agency.

Learned State counsel on instructions from ASI Onkar Singh does not dispute the factum of the petitioner having joined the investigation. He, on further instructions states that the petitioner is not required for further investigation much less custodial interrogation.

Heard learned counsel for the parties and perused the material available on record.

Since the petitioner has joined investigation and cooperated with the investigating agency and in addition, there is no likelihood of she absconding, the instant petition is allowed and interim order dated 06.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

27.01.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No