

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-35685-2019 (O&M)

Date of decision:- 14.09.2022

Usha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Tushar Wadhwa, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. P.S.Grewal, DAG, Punjab for State-respondent No.1.

Mr. Ramneek Vasudeva, Advocate for the complainant.

SUVIR SEHGAL, J. (Oral)

CRM-25725-2019

Prayer in the application is for exemption from filing certified copies of Annexures.

Application is allowed.

Main case

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.34 dated 06.04.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Chamkaur Sahib, District Rupnagar, Annexure P-1.

On 30.08.2019, this Court passed the following order:-

“Learned counsel for the petitioner inter alia contends that petitioner-Usha Rani happens to be the paternal aunt (chachi) of the husband of the complainant and that neither there is any entrustment nor any criminal breach of trust.

Notice of motion for 08.01.2020.
Meanwhile, in the event of arrest, the petitioner be released on interim bail to the satisfaction of arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and she shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Upon instructions received from ASI, Jaswinder, State counsel submits that the petitioner has joined the investigation, no recovery has been effected from her and upon conclusion of investigation, challan has been presented.

Although, counsel for the complainant has urged that entrustment has been made to the petitioner, but he could not point out any specific entrustment from the FIR, Annexure P-1. In any case, non-recovery of disputed articles of dowry cannot be a hindrance in confirming the interim bail granted to the petitioner.

In view of the above, but without commenting upon the allegations levelled in the FIR, present petition is allowed.

Order dated 30.08.2019 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

14.09.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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