

CRM-M-54663-2021

Date of decision: 19.04.2022

ASHA DEVI @ ASHA RANI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravi Chadda, Advocate for
Mr. Manoj K. Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. K.S. Dadwal, Advocate and
Ms. Neha Jain, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

On 29.12.2021, the following order was passed:-

“ The prayer is for grant of anticipatory bail to the petitioner in case FIR No.108 dated 11.06.2021 for offences punishable under Sections 406/498-A of IPC registered with Police Station Mukerian, District Hoshiarpur.

Counsel for the petitioner states that the petitioner is the mother-in-law of the complainant. Though there were a number of persons named in the FIR, however, ultimately it was the petitioner and her son (i.e. husband of the complainant) who were found to be prima facie liable. He further states that allegations levelled in the FIR are baseless and temperamental differences have led to the registration of the same. It is also contended that the dowry articles stand recovered. Notice of motion for 12.01.2022.

In the meanwhile, in the event of her arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, she shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.

Let this matter be referred to the Mediation Centre of this Court for 05.01.2022 where the petitioner shall pay a sum of Rs.50,000/- to the

complainant on her appearance before the Mediation Centre of this Court.”

Learned counsel for the petitioner contends that the matter was referred to Mediation. A sum of Rs. 50,000/- was paid to the complainant but the mediation remained unsuccessful. He further states that the petitioner has joined the investigation in pursuance of interim directions issued by this Court.

On the last date of hearing, learned counsel for the complainant had pointed out that there were some errors in the translation of the FIR and sought time to place on record the correct translation of the FIR. The translated copy of the FIR has not been placed on record by the complainant. Furthermore, it has been pointed out by the learned counsel for the petitioner that the only error is with regard to the age of two children which has been mentioned in the FIR but the same could not be reflected in the translated copy of the FIR. No other error has been pointed out in the translated copy of the FIR except the age of the children of the complainant. The complainant has not disputed that a sum of Rs. 50,000/- has been received by her in the mediation proceedings.

On instructions from ASI Jagdev 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 29.12.2021, 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.

19.04.2022
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(VIVEK PURI)
JUDGE

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