

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4414-2023

Date of Decision:28.02.2023

RAJ KUMARI

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Munish Puri, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab
assisted by ASI Narinder.

Mr. Arvind Kashyap, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 27.01.2023 following order was passed:

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No. 2 dated 7.1.2023, under Sections 498-A and 406 of IPC, registered at Police Station Shahpur Kandi District Pathankot.

FIR No. 2 dated 7.1.2023 has been registered on the complaint of respondent No. 2-Arti Devi. The petitioner is mother-in-law of the complainant. The complainant has alleged that there was demand of Alto car on the part of petitioner, her son as well daughter. The marriage between son of the petitioner and respondent No. 2 was solemnized on 6.2.2019 and from this wedlock, a son was born.

Learned counsel for the petitioner inter alia contends that prior to filing of present complaint which culminated into FIR, the complainant on the earlier occasion filed complaint No. 961 dated 26.11.2020 with

the same set of allegations. The matter was enquired by In-charge Women Cell and it was concluded that no offence is made out against the petitioner. The complainant, at this state, compromised and apologized for her mistake still present FIR has been registered. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before investigation officer on 01.02.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of

this Court.

Adjourned to 28.2.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

Mr. Arvind Kashyap, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney. The same is taken on record. Registry is directed to tag the same at the appropriate place.

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 27.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

28.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>