

210
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6572-2023 (O&M)
Date of decision : 20.07.2023

Paramjit Kaur ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Karan Singla, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. On 08.02.2023 the 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.378 dated 26.12.2022, under Sections 406 and 498-A IPC, registered at Police Station Phillaur, District Jalandhar.

Case of prosecution is that Isha Sharma daughter of Pawan Kumar lodged a complaint with police alleging that her marriage was solemnized with Harnoor Singh Dhanju on 2.1.2019 and her parents had spent Rs.25 lakh in the marriage. Harnoor Singh Dhanju was permanent resident of Italy before marriage. The husband and other family members tortured her and

started demanding cash Rs.25 lakh for taking her to Italy.

Learned counsel for the petitioner inter alia contends that father of the complainant is a Horoscope Reader and is having a very meager income, thus, there is no question of spending of Rs.25 Lakh at the time of marriage and petitioner is mother-in-law of complainant and her (petitioner) son had sent money to complainant even prior to marriage which is evident from bank statement of the complainant. 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 17.02.2023 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 3.3.2023.

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 .”

2. Learned counsel for the State, on instructions from ASI Jai Gopal, has stated that the petitioner has since joined investigation and has fully cooperated and that she is no longer required for further custodial interrogation as of now.

3. Learned counsel for the parties are *ad idem* that during the pendency of the present petition, the matter has been settled before the Mediation and Conciliation Centre of this Court and the parties would be filing a petition under Section 13-B of the Hindu Marriage Act, 1955.

4. In view of the above, the order dated 08.02.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

20.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO