

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

208

CRM-M-6870-2023

Date of Decision: 10.05.2023

Baljit Kaur @ Manjit Kaur**...Petitioner****Versus****State of Punjab and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Inderjit Singh)

Mr. Jasinder Singh Thind, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 09.02.2023, 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. 61 dated 23.12.2022, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Amritsar.

Case of prosecution is that marriage of son of the petitioner was solemnized with complainant on 22.2.2021. The petitioner is mother-in-law of the complainant. The complainant lodged complaint with the police alleging that her in-laws family used to taunt her for bringing lesser dowry and they misappropriated her istridhan. The husband and other family members used to harass her mentally and physically. The police conducted investigation and registered FIR against the petitioner and her son.

Learned counsel for the petitioner inter alia contends that son of the petitioner surrendered before trial court and as noted in the order dated 25.1.2023 passed by Judicial Magistrate Ist Class, Amirtsar, the recovery of alleged articles stands effected. The son of the petitioner was arrested on 19.1.2023 and he has been released on regular bail on 25.1.2023. The petitioner is a 60 years old lady. She is not involved in any other case and 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. Mr. J.S.Thind, Advocate, filed Memo of Appearance on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place. He is directed to file Power of Attorney in the Registry of the Court.

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 16.02.2023 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 31.3.2023.

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 State counsel, on instructions from ASI Inderjit Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 09.02.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or her 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.

5. 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

10.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>