

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

206+1

CRM-M-15324-2022

Date of Decision: 16.03.2023

Gurmail Kaur

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jasvir Singh Dhaliwal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Sher Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 08.04.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.432 dated 23.12.2021, registered under Sections 406 and 498-A of IPC, 1860, at Police Station Patran, District Patiala.

Counsel for the petitioner submits that the petitioner is the mother-in law of the complainant/respondent No.2 and there is a possibility of settlement between the parties. He submits that the petitioner is ready to join the investigation and return the dowry articles as deposed by her in her affidavit dated 08.04.2022, which has been filed and is taken on record.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, accepts notice on behalf of respondent No.1. Respondent No.2 be served for 19.07.2022.

Meanwhile, the petitioner shall join the investigation on 19.04.2022 at 11.00 am at Police Station Patran, District Patiala and co-operate with the Investigating Agency. She shall also hand over the dowry articles to the Investigating Officer as deposed by her in her affidavit dated 08.04.2022, who will return the same to the complainant/respondent No.2 in accordance with law. In case, petitioner is sought to be arrested, she shall be released on interim bail on furnishing of bail/surety bonds to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner, at the outset, submits that the matter between the parties stands settled and they have filed CRM-M-3643-2023 before this Court seeking quashing of FIR on the basis of compromise.

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

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 08.04.2022 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

16.03.2023
Mohit Kumar

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