

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-19290-2023

Date of Decision: 03.08.2023

Rajveer Kaur

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Navraj Singh, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Rahul Bhargav, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 407 dated 07.12.2022 registered under Section 346 IPC [Section 376 IPC was added later on vide G.D.No. 42 dated 06.03.2023 (Annexure P-6)] at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

On 20.04.2023, this Court had passed the following order :-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.407 dated 07.12.2022 under Section 346 IPC, registered at Police Station, Maqboolpura, District Police Commissionerate Amritsar, and Sections 376 (added later on vide G.D. No.42 dated 06.03.2022).

2. Learned counsel for the petitioner contends that the petitioner is mother of the main accused, and the only allegation against her is of giving beatings to the victim while she was confined to their home. It is further contended that petitioner’s son and the victim-complainant’s daughter

were in live-in relationship. They had approached Human Rights Commission by filing petition No.9966/22/2022 seeking protection of their life and liberty. A joint affidavit dated 07.12.2022 was filed by them, wherein the victim claimed herself to be 20 years of age, and apprehended threat from her parents including the complainant, who wanted to marry her to another boy from Dubai to which she was not agreeable. She was threatened not to leave home or else there would be serious consequences. She wanted to marry another boy, and, therefore, somehow managed to run away from her house on 01.12.2022. The petition was disposed of by the Human rights Commission vide order dated 12.12.2022 (Annexure P-2) by issuing appropriate directions to the authorities concerned. The victim was staying with the petitioner's son and the petitioner all this while till her father/complainant came and forcibly took her away on 04.03.2023. The petitioner's son was beaten up by the complainant and some other persons who accompanied him. An FIR in that regard was registered on his complaint, i.e. FIR No.42 dated 05.03.2023, under Sections 458, 365, 323, 506, 148, 149 IPC, Police Station Dhanaula, District Barnala, against the complainant and his family members. Apparently, therefore, the petitioner has been falsely implicated to settle scores.

3. Notice of motion.

4. Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State. Mr. Rahul Bhargav, Advocate, has put in appearance on behalf of the complainant.

5. Learned State counsel assisted by learned counsel for the complainant has opposed the grant of bail to the petitioner by contending that in the victim's statement recorded under Section 164 Cr.P.C., she has levelled allegations of forceful confinement against the petitioner and her son, and also of giving beatings to her. It is also contended that she has now been allowed to abort her pregnancy under orders of this Court.

6. Submissions made by learned counsel for the parties have been considered.

7. The victim is major, aged about 20 years, and has earlier filed a joint affidavit while staying in the petitioner's home stating that she was in live-in relationship with her son and apprehended threat from her parents. The vague allegations against the petitioner of giving beatings to the victim, which have been levelled after three months, are matter of trial.

8. Adjourned to 03.08.2023.

9. In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the

Investigating Officer, and in the event of arrest she shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the order dated 20.04.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhdev Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 20.04.2023 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. She shall also join the investigation and cooperate with the investigating agency in case she is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

03.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No