

CRM-M-30609-2022

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2023:PHHC:102024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
204

CRM-M-30609-2022

Date of Decision: 08.08.2023

Baljit Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sachmeet Singh Randhawa, Advocate for
Mr. Joginder Sharma, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Sandeep Godara, Advocate for
Mr. A.P.S. Rehan, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in case FIR
No. 28 dated 28.06.2022 registered under Sections 498-A and 406 IPC at
Police Station Purana Shalla, District Gurdaspur.

On 28.07.2022, this Court had passed the following order:-

*“Instant petition has been filed under Section 438 of
the Code of Criminal Procedure, 1973 for grant of
anticipatory bail in FIR No.28 dated 28.06.2022, registered
for offences under Sections 498-A and 406 of the Indian
Penal Code, 1860, at Police Station Purana Shalla, District
Gurdaspur (Annexure P-1).*

*Counsel for the petitioner submits that the petitioner
is 54 year old mother-in-law of the complainant, who has
been entangled in the criminal case because of bitterness
between the husband and wife. He urges that allegations*

levelled against the petitioner are non-specific. By referring to affidavit dated 19.07.2022, counsel submits that the petitioner is ready to return back the articles as deposed by her in the affidavit, on joining the investigation.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State.

List on 18.01.2023.

The petitioner shall appear before the Investigating Officer at Police Station Purana Shalla, District Gurdaspur on 05.08.2022 at 10.00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

On the day of joining the investigation, the petitioner will return the articles as deposed by her in the affidavit dated 19.07.2022 to the Investigating Officer, which will be handed over to the complainant in accordance with law. The return of articles by the petitioner will be without prejudice to her right of defence.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is co-operating with the investigating agency. He further submits that petitioner is the mother-in-law of the complainant.

Learned State counsel, on instructions from ASI Salinder Singh, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation. However, gold

ornaments are yet to be recovered from her.

I have heard learned counsel for the parties.

Hon’ble the Supreme Court in Bimla Tiwari vs. State of Bihar and others, *Law Finder Doc ID # 2110551*, has held that “matter of grant of bail is not akin to money recovery proceedings”.

In view of the above, the order dated 28.07.2022 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 co-operate 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.

08.08.2023

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(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No