

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-31267-2022 (O&M)

Date of Decision : 09.11.2023

KAMLESH KAUR

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Presen : Mr. Ashish Gupta, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Complainant present in person.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.64 dated 23.06.2022 under Sections 323, 341, 498-A, 506, 34 and Section 406 (added later on) of the Indian Penal Code, 1860 registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. On 21.07.2022 the following order was passed :

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0064 dated 23.06.2022, registered for offences under Sections 323, 341, 498-A, 506 and 34 of the Indian Penal Code, 1860, at Police Station Badali Ala Singh, District Fatehgarh Sahib

Counsel for the petitioner submits that petitioner, who has various medical issues, is 58 year old mother-in-law of the complainant. He submits that marriage of the son of the petitioner with the complainant was love-cum-arranged marriage and no dowry was given. He urges that false allegations of physical assault have been levelled against the petitioner and no recovery has to be effected from her.

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. Upon instructions from ASI, Puneet Kaur, he submits that the complainant has suffered 10 injuries, out of which, 2 injuries, which have been attributed to the petitioner, have been declared to be simple. He is assisted by Mr. Gourav Goel, Advocate for the complainant, who has filed Power of Attorney, which is taken on record. Counsel for the complainant has shown the photographs of injuries allegedly inflicted upon the complainant.

List on 06.12.2022.

Meanwhile, the petitioner shall 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.”

3. Thereafter, vide order dated 22.08.2023 the petitioner had been directed to rejoin investigation and cooperate with the investigation agency.

4. Learned counsel for the petitioner would contend that pursuant to the said orders the petitioner has joined investigation and has fully cooperated. Learned counsel further contend that all the articles stand returned and statement of the complainant to this effect was also recorded before the Investigating Officer concerned on 12.10.2023. The said statement has duly been signed by the complainant and the Investigating Officer.

5. Learned counsel for the State, on instructions from ASI Karam Singh, 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. Learned counsel further states that, as per the statement made by the complainant in the Police Station on 12.10.2023, all the articles stand recovered.

6. The complainant, who is present in person, disputes the said fact and states that one gold *tikka* is yet to be recovered.

7. In view of the statement made by the complainant in the Police Station on 12.10.2023, which is duly signed by the complainant and the

Investigating Officer, the order dated 21.07.2022 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.

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

09.11.2023

Aman Jain

(ALKA SARIN)

JUDGE

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