

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-32762 of 2022
Date of decision:27.02.2023

Amarjit Kaur and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Sheena Khanna, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C., seeking grant of anticipatory bail to the petitioner in case FIR No.63 dated 23.04.2022 registered under Sections 363, 366 of Indian Penal Code, 1860, however, Sections 376, 323, 120-B, IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 were added later on, at Police Station City Nawanshahar, District Shaheed Bhagat Singh Nagar (Annexure P-1).

On 18.01.2023, this Court passed the following order:-

“Short reply by way of an affidavit of Deputy Superintendent of Police, Sub Division Nawanshahr, District Shaheed Bhagat Singh Nagar has been filed on behalf of the

respondent-State, which is taken on record. By referring to Para 06 of the short reply, counsel for the petitioners submits that the petitioners have joined the investigation, which has been completed qua them and challan has been presented. She submits that even the charge has been framed. It is her argument that both the petitioners are ladies i.e. mother and sister of the main accused and they have been falsely implicated in the FIR.

State counsel submits that even though the petitioners have joined the investigation neither any recovery of cash or ornaments have been effected nor they have disclosed the whereabouts of the main accused. Still further, he submits that proceedings have been initiated against the main accused for declaring him as a Proclaimed Offender.

List on 27.02.2023.

Petitioners are directed to appear before the Investigating Officer on 25.01.2023 at 11.00 A.M. at Police Station City Nawanshahar, District Shaheed Bhagat Singh Nagar and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Upon instructions from ASI Manjit Lal, State counsel submits that the petitioners have joined the investigation, but they are neither disclosing the whereabouts of the main accused, Anil Bangar nor are they cooperating in effecting the recovery of gold ornaments.

Provisions of anticipatory bail cannot be used to effect the recovery from the accused or to elicit the information about the main accused.

Considering that investigation qua the petitioners is complete and challan has been presented, but without commenting on the merits of the case, present petition is allowed. Interim order dated 18.01.2023 is made absolute, subject to the satisfaction of conditions envisaged in Section 438(2) Cr.P.C.

February 27, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No