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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33577-2023 (O&M)

Date of Decision : 09.10.2023

HARPREET KAUR

.... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sukhwinder Singh Kamboj, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab-respondent No.1.

Mr. Gopal Singh Nehal, Advocate for respondent No.2.

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.83 dated 27.05.2023 under Sections 307, 498-A, 406, 323, 506, 34 of the Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur.

2. On 17.07.2023 the following order was passed :

"This is the first petition under section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.83 dated 27.05.2023 under Sections 307/498-A/406/323/506/34 of the Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur.

Learned counsel for the petitioner would contend that the entire family has been roped-in in the present FIR. It is further contended that the petitioner is the Nanad of the complainant and she resides with her husband separately. It is further the contention of the learned counsel that even as per the statement of the doctors, which finds mention in the FIR, injury No.1 has been termed as simple in nature. However, it is stated that possibility of this injury causing death cannot be ruled out. The other injuries have been declared simple in nature.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

On the oral request of learned counsel for the petitioner, complainant – Harpreet Kaur daughter of Kishan and wife of Jatinderpal Singh, resident of Village Tarora Khurd, Tehsil and District Patiala – is impleaded as respondent No.2. Registry to carry out the necessary amendments in the memo of parties.

Let notice be issued to respondent No.2 returnable 09.10.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State has pointed out that though the petitioner has since joined investigation, however, the recovery of gold chain alleged to have been taken from the neck of respondent No.2/complainant is yet to be made.

5. Heard

6. The allegations in the present case are not regarding entrustment and a vague allegation has been made that on 01.05.2013 a gold chain had been taken from the neck of the complainant. The said would be a matter of trial.

7. In view of the above, the order dated 17.07.2023 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 of.

09.10.2023

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

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