

211-D

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44096-2022 (O&M)
Date of Decision : 18.07.2023

Isha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Gautam Dutt, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.49 dated 30.06.2022 registered under Section 380 of the Indian Penal Code, 1860 at Police Station Jodhan, District Ludhiana Rural.

2. On 23.09.2023 the following order was passed :

*“Apprehending her arrest in FIR No.49 dated
30.06.2022, registered for offences punishable under
Section 380 of IPC at Police Station Jodhan, District
Ludhiana Rural, the petitioner has preferred this*

petition under Section 438 Cr.P.C seeking pre-arrest bail.

Counsel for the petitioner inter alia contends that on the complaint made by husband, present case has been registered against petitioner-wife for having stolen gold from matrimonial house. Mr. Bajaj contends that in fact the parties are embroiled in a matrimonial discord and there are cross cases being registered against each other. He submits that he is not averse to amicable settlement.

Notice of motion returnable for 12.01.2023.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab who is present in Court accepts notice on behalf of the respondent – State.

Mr. Harpreet Singh Maan, Advocate appears for the complainant and does not dispute the said fact that the parties have got cases registered against each other and there is a serious matrimonial discord inter se between them.

However, he prays for some time to response to such offer made by the petitioner.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the

satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3. Learned counsel for the petitioner would contend that the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Dalwinder Singh, states 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.

5. In view of the above, the order dated 23.09.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

July 18, 2023
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(ALKA SARIN)
JUDGE

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