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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44865-2023 (O&M)
Date of decision : 17.11.2023

Gursev Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Simrandeep S. Sandhu, Advocate for the complainant.

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.27 dated 24.05.2023 registered under Section 304-B of the Indian Penal Code, 1860 at Police Station Cheema, District Sangrur (Annexure P-1).

2. On 13.09.2023 the following order was passed :

“The petitioner herein seeks the relief of anticipatory bail in the criminal case arisen out of FIR No.27 dated 24.05.2023 registered at Police Station Cheema, District Sangrur, under Section 304-B IPC.

Learned counsel for the petitioner, inter-alia, contends that petitioner is an old lady, aged about 86 years and she is the grandmother-in-law of the deceased/victim and she had never ever harassed the victim for bringing

insufficient dowry or for demanding more dowry and even in the subject FIR, no specific role in the alleged crime, has been attributed to her (petitioner) and rather, only general and vague allegations have been levelled against her therein and moreover, she is ready and willing to join in the investigation as and when required and is also not involved in any other criminal case.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

At this stage, Mr. Simrandeep S. Sandhu, Advocate, has also put in appearance on behalf of the complainant in this petition and has submitted his Power of Attorney in the Court and the same has been placed on the file. He submits that the investigation is being conducted in the criminal case under reference, in a shoddy manner and the complainant has already moved several representations to the higher Police Authorities for the redressal of his afore-referred grievance.

Adjourned to 17.11.2023.

Meanwhile, the petitioner shall join in the investigation on 25.09.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of her arrest, she shall be released on interim bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of

the Arresting/Investigating Officer and she shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

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

4. Learned counsel for the State, on instructions from ASI Gurbachan Singh, has stated that the petitioner who is 86 years old lady has since joined investigation and has fully cooperated. Learned State counsel has further stated that there is no specific role which has been attributed to the petitioner and there are only general and vague allegations against her. Learned State counsel has further stated that the petitioner is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 13.09.2023 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.

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

17.11.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

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