

209 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44884-2023
Date of decision: 15.12.2023

BALJINDER KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Santpal Singh Sidhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. On 11.09.2023, the following order was passed:-

“Prayer in this first petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 17 dated 10.02.2016 (Annexure P-1) registered under Section 306 read with Section 34 IPC (during investigation Section 306 IPC was deleted and Section 304-B IPC was added) at Police Station Ludhiana, District Ludhiana.

Learned counsel for the petitioner, inter alia, contends that petitioner is the mother-in-law of the deceased. It is submitted that earlier the aforesaid FIR was registered under Section 306 read with Section 34 IPC, but later on during investigation, Section 306 IPC was deleted and Section 304-B IPC was added in the present case. It is further submitted that during investigation, the petitioner was found innocent and exonerated by the police. Now, the petitioner was summoned as an additional accused in the present case by virtue of Section 319 Cr.P.C. vide order dated 19.08.2023 (Annexure P-4), therefore, her custodial interrogation is not required. Nothing has to be recovered from her. Learned counsel submits that the next date of hearing before the trial Court is 18.09.2023 and the petitioner is ready to appear before the trial Court on the said date and on doing so, she may be released on bail by the trial Court. She shall abide by all the terms and conditions imposed upon her by the trial Court. Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG,

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Punjab, accepts notice on behalf of respondent-State; whereas Mr. P.S. Paul, Advocate, has put in appearance on behalf of the complainant and files his Vakalatnama, which is taken on record.

Adjourned to 15.12.2023.

In the meantime, the petitioner is directed to appear before the trial Court on 18.09.2023, the date already fixed before it and on doing so, she shall be released on bail, on her furnishing bail/surety bonds, to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has surrendered in the trial Court on 18.09.2023 and has been admitted on interim bail. Thereafter, the petitioner is regularly appearing in the trial Court.
3. On instructions from ASI John Peter, learned State counsel has not disputed the aforesaid factual aspects.
4. In view of the aforesaid submissions, the order dated 11.09.2023, granting interim bail to the petitioner is made absolute.
5. However, the petitioner is directed to furnish fresh bail bonds to the satisfaction of the trial Court within a period of one month.
6. The petition is allowed.

15.12.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No