

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

218-A

CRM-M-47676-2023 (O&M)

Date of Decision : 11.12.2023

Samarjit Kaur

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhishek Thakur, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

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.51 dated 23.08.2023 registered under Sections 323, 324, 354, 354-B, 148 & 149 of Indian Penal Code, 1860 (Section 326 of IPC added later on) at Police Station Kotli Surat Malhi, Police District Batala, District Gurdaspur.

2. On 21.09.2023 the following order was passed :

“The petitioner herein prays for the grant of the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.51 dated 23.08.2023 registered at Police Station Kotli Surat Malhi, Police District Batala, District Gurdaspur, under Sections 323, 324, 354, 354-B, 148 & 149 IPC.

Learned counsel for the petitioner, inter-alia, contends that the petitioner happens to be the wife of the elder brother of the deceased husband of the complainant and a dispute had arisen between the complainant and her mother-in-law, as well as the petitioner, over their shares in the family property and due to this reason, the petitioner has been got falsely roped in as an accused in the subject FIR which has, even otherwise, been lodged after a delay of 04 days from the date of the alleged occurrence and moreover, the petitioner is ready and willing to join in the investigation as and when required by the Investigating Agency and she 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. Varun Goyal, Advocate, has also put in appearance on behalf of the complainant in this case and has submitted his Memorandum of Appearance in

the Court and the same has been placed on the file. He also seeks an adjournment for filing his Power of Attorney.

Adjourned to 24.11.2023.

Meanwhile, the petitioner shall join in the investigation on 26.09.2023 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.

To be listed along-with the connected matter bearing CRM-M No.45517 of 2023.”

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 Kulwant Singh has stated 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 21.09.2023 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.

11.12.2023

Deepak Patwal

(ALKA SARIN)

JUDGE

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