

213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2281-2022 (O&M)
DATE OF DECISION:-16.02.2023

Sarabjit Kaur

...Appellant.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surinder Pal Singh Tinna, Advocate,
for the appellant.

Mr. IPS Sabharwal, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

Present appeal has been filed against the order dated 29.10.2022, passed by learned Additional Sessions Judge, Amritsar, vide which, application filed on behalf of the appellant seeking anticipatory bail in case FIR No.250, dated 15.10.2022, under Section 3(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “1989 Act”) registered at Police Station Chheharta, Amritsar, was dismissed.

On 11.11.2022, this Court passed the following order:-

“Through the instant appeal, the appellant seeks anticipatory bail in case bearing FIR No.250 dated 15.10.2022, registered under Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Chheharta, Amritsar.

Learned counsel for the appellant submits that the appellant is a senior citizen aged about 73 years; that marriage of the son of appellant, namely, Amrit Pal, was

solemnized with complainant, namely, Ranjit Kaur (who is his second wife); that the dispute is with regard to the house, which was owned by the appellant and given as gift to her son and that when the appellant was not looked after by her son and daughter-in-law, she shifted to her daughter's house, namely, Arwinder Kaur. He further submits that the appellant filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 for setting aside the gift deed, in which notice was issued and that upon notice, son and daughter-in-law of the appellant appeared before the Court concerned and submitted that the appellant is a retired employee and has been getting pension of about Rs.41,000/- per month and further showed their willingness to take care of the appellant by providing her with all the basis necessities. On the said statement of the son of the appellant, the aforesaid application was consigned to the record room vide order dated 27.09.2021 passed by the learned Sub-Divisional Magistrate, Amritsar.

Learned counsel for the appellant further submitted that when the son of the appellant did not abide by the undertaking given by him before the Sub Divisional Magistrate, Amritsar, the appellant was compelled to file an appeal against the order dated 27.09.2021 and having got infuriated at this, the son of the petitioner at the instigation of his wife (complainant herein) had given beatings to the appellant which had resulted into registration of FIR No.228 dated 20.09.2022 under Sections 341, 354 and 506 IPC and that as a counter-blast of the said proceedings initiated by the appellant, her daughter-in-law (complainant) got lodged the present FIR, alleging therein that complainant's Jeth (elder son of the appellant) had called her husband on mobile phone from Canada, by taking the appellant and Arwinder Kaur

online, and all of them had uttered casteist remarks against the complainant.

Notice of motion.

On the asking of this Court, Mr. Gurlal Singh Dhillon, AAG Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 16.02.2023.

Meanwhile, the appellant is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Today, learned State counsel, on instructions from ASI Narinder Singh submits that in pursuance to aforesaid order, the appellant has joined the investigation and is not required for further investigation.

In view of the aforesaid, the appellant not being required by the investigating agency, order dated 29.10.2022 passed by learned Additional Sessions Judge, Amritsar is hereby set aside. Resultantly, the appeal is allowed and the order dated 11.11.2022, is hereby made absolute.

16.02.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No