

213-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2310-2022 (O&M)
DATE OF DECISION:-16.02.2023

Irwinder 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 15.11.2022, 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 real sister-in-law of the complainant; that

marriage of the brother 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 mother of the appellant and which was given as gift to Amrit Pal and that when the Sarabjit Kaur was not looked after by her son and daughter-in-law, she shifted to house of the petitioner. He further submits that the mother of 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, brother (Amrit Pal) and sister-in-law (Ranjit Kaur) of the appellant appeared before the Court concerned and submitted that Sarabjit Kaur 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 her by providing her with all the basic necessities. On the said statement of the Amrit Pal, 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 his brother (Amrit Pal) did not abide by the undertaking given by him before the Sub Divisional Magistrate, Amritsar, Sarabjit Kaur was compelled to prefer an appeal before the Appellate Tribunal, which is pending. Now the present FIR has been registered by the complainant against the appellant and her mother Sarabjit Kaur and the concession of ad interim anticipatory bail has been granted to Sarabjit Kaur by this Court, on 11.11.2022.

Notice of motion for 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 15.11.2022, is hereby made absolute.

16.02.2023
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(HARKESH MANUJA)
JUDGE

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