

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

209

CRM-M-53676-2023  
Date of Decision:15.11.2023

RAJ KAUR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sachin Ohri, Advocate  
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

\*\*\*\*\*

**MANISHA BATRA, J.**

1. The present petition has been filed by the petitioner seeking anticipatory bail under Section 438 of Code of Criminal Procedure in case bearing FIR No.63 dated 06.10.2023, registered under Sections 363, 366 of IPC, at Police Station-Bhaini Mian Khan, District Gurdaspur.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the complainant "N" (name withheld) recorded his statement on 06.10.2023, alleging therein that his younger daughter "A" (name withheld) who was 16 and half years old had gone to a shop in his village to purchase some articles on 15.08.2023 at around 03:30 PM, but did not return home. He had made search for his daughter and had come to know that accused Oma Singh in connivance with the present petitioner Raj Kaur had induced his daughter and had taken her away on the pretext of performing marriage with Oma Singh. He had filed a petition before the High Court and got custody of his daughter and was now reporting the matter to the police. After registration of FIR on 06.10.2023, investigation proceedings have been initiated.

**CRM-M-53676-2023**

3. The present petition has been filed by the petitioner seeking grant of anticipatory bail on the ground that she is not related either to the victim or to the co-accused. She has been falsely implicated in this case. She had no role to play in the alleged kidnapping/abduction of the victim. She is ready to join the investigation and her custodial interrogation was not required.

4. On 20<sup>th</sup> October 2023, this Court had directed the petitioner to join the investigation by surrendering before the Investigating Officer/Arresting Officer. Today, learned DAG, Punjab on instructions received from Investigating Officer ASI Rachpal Singh, who is present in Court has submitted that the petitioner has joined the investigation and her custodial interrogation is not required.

5. Keeping in view the nature of the allegations which have been levelled against the petitioner, the fact that she has joined the investigation and her custodial interrogation is no more required coupled with the fact that no recovery is yet to be effected from her, I am of the considered opinion that it is a fit case to exercise power under Section 438 of Cr.P.C. and to extend benefit of anticipatory bail to the victim.

6. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 20.10.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

**November 15, 2023**  
*himanshu*

**(MANISHA BATRA)**  
**JUDGE**