

Neutral Citation No.2023:PHHC:157638

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M No.54899 of 2023
Date of decision: 07.12.2023

Baljit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition under Section 438 of Code of Criminal Procedure, the petitioner seeks anticipatory bail in case FIR No.431 dated 05.10.2023, registered under Sections 498-A, 323 and 506 of IPC, at Police Station Goindwal Sahib, District Tarn Taran.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Harwinder Kaur alleging therein that she was married with the accused Gurvail Singh in the year 2004 who was serving in CRPF and was posted in Chhattisgarh. Litigation was pending between them. On 06.09.2023, accused Gurvail Singh was at home when in the morning an altercation had taken place between them. Accused Gurvail Singh extended beatings to her. The

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petitioner Baljit Kaur who is her sister-in-law (devarani) her parents-in-law, brother of her father-in-law joined him and opened an assault upon her. The petitioner Baljit Kaur brought a datar and handed over the same to husband of the complainant thereby instigating him to kill the complainant. Her husband struck a blow with datar upon her. She tried to ward off the blow and her elbow was injured. She rushed outside to save herself and contacted her brother and was medically examined. She remained admitted in Kairon Hospital and contacted the police on 05.10.2023. Initially, a case under Section 323 of IPC was registered. Offences under Sections 498-A and 506 of IPC were added later on. Investigation is going on. The petitioner had filed an application for grant of anticipatory bail before the concerned Court which had been dismissed vide order dated 20.10.2023.

3. Vide order dated 03.11.2023 passed by this Court, notice of motion was issued and the petitioner was released on interim bail and was directed to join investigation.

4. Learned State counsel, on instructions from ASI Sawinder Singh, states that the petitioner has joined the investigation and she is not required for custodial interrogation.

5. Keeping in view the entire facts and circumstances, I am of the considered opinion that it is a fit case for exercising powers under Section 438 of Cr.P.C. and for extending benefit of anticipatory bail to the petitioner. Hence, the present petition is allowed and the order dated 03.11.2023 granting interim bail to the petitioner is made absolute,

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subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

07.12.2023	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No