



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-406-2024

Date of decision: 16.05.2024

Kusum Gilja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurinder Singh Ghuman, Advocate for
Mr. Gurinder Singh Dhot, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.59 dated 16.07.2023 under Sections 457, 380 of the IPC registered at Police Station Dhakoli, District SAS Nagar (Mohali).

2. On 08.01.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked her to join investigation:-

“Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the case in hand only on account of her friendship with Savita Malhotra, mother-in-law of the complainant Payal Malhotra; there is a matrimonial dispute going on between the complainant and her husband. It has been further submitted that totally unbelievable version has been brought forth that the petitioner, who is a 77 years old woman, accompanied co-accused Savita Malhotra (already on anticipatory bail) and Varun Malhotra to Flat



No.D-902, Sushma Elite Cross, Ghajipur Jattan, Police Station Dhakoli, District S.A.S. Nagar, after entering through a ventilator, decamped with articles belonging to the complainant. Learned counsel submits that the delay of as many as eight days in the lodging of the FIR in question clearly points to a fabricated version having been brought forth as a counterblast to the matrimonial litigation pending between the complainant and her husband.”

3. Learned counsel for the petitioner submits that in compliance of order dated 08.01.2024, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Parwinder Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for her custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 08.01.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

16.05.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)

JUDGE