

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4243-2023 (O&M)

DATE OF DECISION : 01.05.2024

SHINDER KAUR @ MANJEET KAUR ... PETITIONER
V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Inderjit Sharma, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.0164 dated 23.10.2022, registered under Sections 363, 366-A and 120-B of IPC, at Police Station Sangat, District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has joined the investigation in compliance of the order dated 06.02.2023 passed by this Court and handed over her mobile phone to the investigating agency and further joined the investigation on 30.04.2023 in compliance of the order passed by this Court. It is further contended that the son of the petitioner and daughter of the complainant have solemnized marriage and they have filed a protection petition before the Sessions Judge, Bathinda and they have been granted protection vide order dated 09.10.2023. Copy of the said order is submitted in the Court, which is taken on record.

3. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Iqbal Singh, has also confirmed that the petitioner

has joined investigation in compliance of order dated 06.02.2023, handed over the mobile phone to the Investigating Officer and further rejoined the investigation in compliance of the subsequent order dated 08.11.2023.

4. On 06.02.2023 following order was passed:

“xxxx It is submitted that the petitioner is the mother of the boy, who is alleged to have run away with the daughter of the complainant.

Counsel for the petitioner, without arguing on the merits of the case at this stage, submits that it is more important to locate the children, rather than getting into this litigation. He further submits that certain information has come to the knowledge of the petitioner which she is ready to share with the police authorities so that the children could be located at the earliest.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, assisted by Head Constable Maheshinder Singh, accepts notice on behalf of the respondent-State.

In light of the above, the petitioner shall join investigation on 10.02.2023 at 10:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter. The petitioner is also directed to share all the information with regard to location of the children, so that the same can be identified before any untoward incident takes place. The police authorities are also directed to take appropriate action swiftly.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 25.04.2023. ”

5. On 08.11.2023 following order was passed:

“xxx Petitioner is directed to rejoin investigation on 20.11.2023 at 10:00 am and cooperate with the investigating agency. Petitioner is further directed to share relevant information and hand over the mobile phone to the Investigating Officer.”

6. On 10.04.2024 following order was passed:

“xxx However, learned State counsel has informed that though the petitioner has surrendered the mobile phone, however, he has not rejoined the investigation.

Adjourned to 01.05.2024.

The petitioner is directed to co-operate with the Investigating Agency.”

7. The petitioner-Shinder Kaur is the mother of co-accused-Vakil Singh, who has alleged to have solemnized marriage with the daughter of the complainant. They have been granted protection as per order dated 09.10.2023. The petitioner is 55 years old female. She has joined the investigation and co-operated with the investigating agency.

8. As such, in view of the aforesaid circumstances and in view of the reasons recorded in the order dated 06.02.2023 and keeping in view the fact that the petitioner has joined the investigation, the present petition is allowed and the order dated 06.02.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. However, there are no observations with regard to the legality of the alleged marriage *inter se* the son of the petitioner and daughter of the complainant. It is further made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

01.05.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No