

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

101

CRM-M-11473-2024 (O&M)
Date of decision: 02.05.2024

Rupinder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rohit Kataria, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 316 dated 10.12.2022, under Sections 323, 313, 354, 377 and 494 IPC (Sections 201 and 376 of IPC added later on), registered at Police Station Patran, District Patiala.
2. Vide order dated 04.03.2024, passed by this Court, the petitioner was directed to appear before the trial Court and on her furnishing bail bonds as well as surety bonds to the satisfaction of the trial, she was ordered to be released on interim bail. Order dated 04.03.2024, passed by this Court, reads as under:

“...The aforementioned FIR was registered on the basis of written complaint filed by the complainant-L(name withheld) alleging therein that the accused Gurvinder Singh (son of the present petitioner) had committed rape upon her and had maintained physical relationship with

Neutral Citation No. 2024:PHHC:060758

her by concealing the fact that he was already married. He physically assaulted her and outraged her modesty, and caused her miscarriage as well as committed rape upon her. Learned counsel for the petitioner has submitted that the present petitioner was found to be innocent during investigation and had not been arrested. It is also submitted that the prosecutrix had moved an application under Section 319 Cr.PC before the learned Trial Court which was allowed vide order dated 19.01.2024 and the petitioner has been arraigned as additional accused and has been ordered to be summoned to appear before the Trial Court alongwith her son for commission of offences punishable under Section 313 read with Section 120 B of IPC. It is further submitted by learned counsel for the petitioner that as mentioned in the FIR, the only allegation as levelled against the petitioner was that on the particular date she along with her brother Birdevinder Singh (who has not been ordered to be summoned as additional accused) took the victim from her house to Patiala and gave her some medicine for stopping vomits and due to which the petitioner suffered a miscarriage. It is also submitted that custodial interrogation is not required and is ready to appear before the learned Trial Court to face trial.

Learned State counsel has advance notice of this petition seeks time to file reply to the same.

Adjourned to 02.05.2024.

In the meanwhile, the petitioner is directed to appear before the Trial Court on or before the date fixed and on her furnishing bail bonds as well as surety bonds to the satisfaction of the Trial Court, she will be admitted on interim bail.”

Neutral Citation No. 2024:PHHC:060758

3. Learned State counsel, in terms of the status report filed today in Court, has submitted that in compliance with order dated 04.03.2024, the petitioner has appeared before the trial Court on 15.03.2024 and she has been released on interim bail, on furnishing personal/surety bonds to the satisfaction of the trial Court.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 04.03.2024, 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.

02.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>