

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

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CRM-M-12049-2023 (O&M)  
Date of decision: 23.01.2024

Mahinder Kaur and another ...Petitioners  
  
Versus  
  
State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Edward Augustine George Masih, Advocate and  
Mr. Stephen Masih, Advocate  
for the petitioners.  
  
Ms. Ruchika Sabherwal, DAG, Punjab.  
  
Mr. Gagandeep Singh, Advocate  
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. Prayer in the present petition, filed under Section 438 Cr.P.C., is for granting concession of anticipatory bail to the petitioners in FIR No. 43 dated 05.02.2023, registered under Sections 323, 341, 498-A and 506 read with Section 34 of the IPC (Section 307 IPC added later onat Police Station Sohana, District S.A.S. Nagar.
2. Brief facts relevant for the disposal of the present petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant Sukhwinder Kaur on 05.02.2023 alleging therein that she was married with accused Harjinder Singh on 19.11.2002. Three daughters were born out of their wedlock and due to the reason that no male child was born in the family, the petitioners, who are her parents-in-law respectively, and her husband used to misbehave with her and curse her for that purpose. She was

being tortured by them. She alleged that on 04.02.2023 at about 01:30 PM, she was at her home, when the petitioners started hurling abuses towards her and her husband Harjinder Singh extended beatings to her with sugarcane, due to which, she sustained injuries. On the same night, while she was sleeping in her bed with her daughters, the petitioners along with her husband came to her room and her husband tried to kill her by tying a *dupatta* around her neck. However, she raised alarm, due to which, they left the room while extending threats to kill her. In the next morning, she called her brother disclosing him about the incident, who took her to the hospital, wherein she was being medically treated. On the basis of her statement, initially a case under Sections 323, 341, 498-A and 506 read with Section 34 of the IPC was registered. Four injuries were found on her person. After conducting her medical examination, one was kept under observation, whereas the remaining were simple and caused with blunt weapon. During the course of investigation, offence under Section 307 of IPC has been added. The petitioners had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, S.A.S. Nagar, which had been dismissed, vide order dated 28.02.2023.

3. The present petition has been filed by the petitioners on the ground and it has been argued by their counsel that they have been falsely implicated in this case. They did not commit the subject offences. They are old aged persons and there are no chances of playing any role in causing injuries to the victim or attempting to strangle her and have been falsely roped in this case due to the reasons, the complainant wants to settle separately from them. Their custodial interrogation is not required. They are

ready to join investigation. It is, therefore, urged that they deserve to be given benefit of pre-arrest bail.

4. It will not be out of place to mention here that vide order dated 10.03.2023, the petitioners were directed to join investigation in the matter and in the event of arrest, they were directed to be released on interim bail subject to certain conditions. It has also come on record that they had joined the investigation. However, on 28.07.2023, it was submitted by learned counsel for respondent No. 2 that the petitioners had misused the concession of bail as after grant of interim bail, they trespassed into the house of the complainant and had extended beatings to her, qua which, a DDR No. 10 has also been lodged. The respondent-State was directed to file a status report in this context, which has been so filed and it is submitted that as on 23.06.2023, a DDR No. 10 was registered at Police Post Saneta, Police Station Sohana, District S.A.S. Nagar as against the petitioners on the basis of a complaint that they have trespassed into the house of the complainant and have extended beatings to her.

5. On asking of the Court, learned State counsel has submitted that the petitioners have joined the investigation. It is, however, argued that there are serious allegations against them and, therefore, they do not deserve to be given benefit of anticipatory bail.

6. I have heard learned counsel for the parties and have also gone through the material placed on record.

7. Except the fact that a DDR has been registered after passing of grant of interim bail as against the present petitioners, there is nothing on

record to suggest that their custodial interrogation is required in the matter or any recovery is to be effected from them. Initially, there was no allegation of making attempt to strangle the complainant but on the basis of a subsequent statement made by the complainant, offence under Section 307 IPC was added. It is also relevant to mention that the co-accused Harjinder Singh, who is son of the present petitioners, has since been extended benefit of regular bail, vide order dated 05.05.2023, passed by the Additional Sessions Judge, S.A.S. Nagar. Keeping in view the entire facts and circumstances, I am of the considered opinion that the petitioners deserve to be given benefit of pre-arrest bail.

8. Accordingly, without making any comment on the merits of the case, the present petition is allowed and the petitioners are granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C. and further subject to the condition that they shall not influence/intimidate or try to meet the complainant, shall not visit her house or try to influence any other witness of the case. This order shall also be subject to the following conditions:-

(i) The petitioners shall cooperate with the investigation and shall appear before the Investigating Officer as and when required.

(ii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) They shall not commit any similar offence while on bail.

9. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

23.01.2024

(MANISHA BATRA)  
JUDGE

Waseem Ansari

Whether speaking/reasoned

Yes

Whether reportable

Yes