

102

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18395-2024
Date of decision: 16.04.2024

Komal Sudhir

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anish Verma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.21 dated 22.01.2009 under Sections 406/498-A/317 of IPC registered at Police Station Civil Lines, Amritsar.

Learned counsel for the petitioner contends that the petitioner is 81 years of old age woman and she has been falsely implicated in the present case only for the reason that she is mother-in-law of complainant's daughter and she has approached this Court earlier by filing CRM-M-15712-2009. Thereafter, the petitioner was declared as proclaimed offender and she has approached this Court by filing CRM-M-32362-2023 and this Court has quashed the order dated 15.06.2013 vide which the petitioner was declared as proclaimed offender and she was directed to surrender before the Court concerned within a period of one month subject to the order obtaining anticipatory bail and in compliance thereof, the petitioner has approached the learned Additional Sessions Judge,

CRM-M-18395-2024

-2-

Amritsar, and her anticipatory bail application was dismissed vide impugned order. The second bail application for anticipatory bail would be maintainable on the ground of change of circumstances as the learned trial Court has acquitted the other persons named in the FIR (*supra*) and Criminal Appeal No.16 of 2015 was preferred before the Sessions Court against the judgment of acquittal and the Appellate Court has remanded the case back to the trial Court for fresh trial in the case vide its order dated 27.07.2016. The aforementioned order was challenged before this Court by filing CRR-3445-2016 which is still pending adjudication. He further submits that the petitioner is of advanced age suffering from various ailments and maximum sentence under the offences in which the FIR is lodged is punishable upto seven years and subjecting the petitioner to pre trial detention could put the health of the petitioner in a precarious situation.

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of the respondent-State.

Keeping in view the fact that the petitioner is 81 years old aged lady and the other accused have been acquitted by the learned trial Court, the present petition is disposed of and the petitioner is directed to surrender before the learned trial Court in compliance of order passed by this Court in CRM-M-32362-2023 and on doing so, she will be admitted to bail and abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Nothing observed hereinabove shall be construed as expression of

opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

16.04.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No