

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:091892



267

CRM-M-17930 of 2024 (O&M)
DECIDED ON: 22nd July, 2024

Santosh Rani

....PETITIONER

VERSUS

State of Punjab

....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE **NIDHI GUPTA.**

Present: Mr. Kuldip Singh, Advocate for petitioner.
Mr. Rishu Madan, AAG Punjab.

NIDHI GUPTA., J (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 12 dated 29.02.2024, registered under Sections 363,366, 366-A, 120-B at Police Station Amir Khas, District Fazilka.

On 10.4.2024, when this case was listed for hearing, following order was passed by this Court:-

‘Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.12 dated 29.02.2024, under Sections 363, 366, 366-A and 120-B IPC, registered at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioner inter alia submits that the petitioner is the mother of the main accused, namely, Sukhdeep Singh @ Sukhi. It is stated that the complainant in the present case is the mother of the alleged victim. Learned counsel states that the alleged date of incident is 21.02.2024, however, the FIR has been registered after more than a week, i.e., on 29.02.2024. It is stated that the alleged victim and the son of the petitioner were in a consensual relationship. The age of the victim at the time of incident was 17 ½ years. Even in her statement under Section 164 Cr.P.C., the victim has not supported the prosecution case and has refused to go with her family; and therefore, she is currently in Nari Niketan. It is stated that the only allegation against the petitioner is that she had helped her son in enticing away the victim. There is no allegation of any wrongful act committed by the petitioner against the victim.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of State and seeks time to file reply in the matter. However, he does not dispute the above-said facts.

Adjourned to 22.7.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

ii) that the petitioner 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) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file fresh affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.'

Learned counsel for the petitioner submits that in compliance of the order dated 10.4.2024 the petitioner has joined the investigation.

Status report by way of affidavit of Achhru Ram Sharma, PPS Deputy Superintendent of Police, Sub Division, Jalalabad District Fazilka, filed today is taken on record. Copy supplied to learned counsel for petitioner.

On instructions from ASI Makhtial Singh, learned counsel for the State submits that in terms of the order passed by this Court,

reproduced above, the petitioner has joined the investigation on 1.5.2024

(as mentioend in page 4) and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 10.4.2024 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and co-operate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case, at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

22nd July, 2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No