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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-20632-2024 (O&M)
Date of Decision: 24.05.2024

DARSHAN KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Muskan, Advocate for
Mr. Amit Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, petitioner is seeking anticipatory bail in case FIR No.103 dated 27.03.2024 under Section 498-A of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Goindwal Sahib, District Tarn Taran.
2. On 25.04.2024, following order was passed:

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’), seeking anticipatory bail in FIR No.103 dated 27.03.2024 under Section 498-A of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner, inter alia, contends that the petitioner is 64 years of age and is household lady. She has been implicated in the FIR (supra) only for the reason that she is mother of husband of the complainant and there are no specific allegations against the petitioner. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched.



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Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) R.C.R(Criminal) 754**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well her entire family. Notice of motion for 24.05.2024.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel on instructions from ASI Kulwinder Kaur, submits that, in compliance of order dated 25.04.2024 passed by this Court, the petitioner has joined the investigation and she is not required for further custodial interrogation.
4. Keeping in view the fact that petitioner has joined the investigation, the order dated 25.04.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

24.05.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No