

Sr. No.208

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

**CRM-M-22610-2023
Date of decision: 10th April, 2024**

ANGREJ KAUR @ GELO**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Ms. Gurmeet Kaur Dhillon, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.21 dated 17.03.2023, under Sections 498-A, 406 read with Section 120-B IPC, registered at Police Station Women, District Bathinda (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The petitioner is the mother-in-law of the complainant. The FIR has been lodged by the complainant after 09 years of her marriage with the son of the petitioner, who is in Saudi Arabia since September 2016. The complainant herself is residing in Cyprus from where she came to India only at the time of lodging of the FIR and returned thereafter.
3. Learned counsel for the petitioner submits that the petitioner was granted interim bail as per the order dated 05.05.2023, passed by the co-ordinate

Bench of this Court. The relevant portion of the same reads as under:-

“XXXXXXX

Learned counsel for the petitioner contends that the petitioner is mother-in-law of the complainant, aged about sixty five years. The allegations have been levelled after about nine years of complainant's marriage with petitioner's son, who is in Saudi Arabia since September 2016. The complainant herself is in Cyprus from where she came to India only at the time of lodging of the FIR and returned thereafter. The allegations are vague and general in nature and do not constitute any of the alleged offences.

Notice of motion

Mr. Jashandeep Singh, AAG. Punjab, accepts notice on behalf of the respondent/State and seeks time to file reply.

Adjourned to 18.9.2023, for arguments.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest she shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.

XXXXXXX"

4. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 05.05.2023.

5. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Bhupinder Singh, confirms that the petitioner has joined investigation and also contends that her custodial interrogation is not required. He has further confirmed that recovery of some gold articles has been effected from the petitioner.

6. Learned counsel for the complainant has opposed the present petition on the ground that complete recovery of gold ornaments is yet to be made from the petitioner. However, she has confirmed that some of the articles have been recovered from the petitioner which have been taken on *sapurdari* by the

complainant. Order dated 14.12.2023, passed by the Judicial Magistrate First Class, Bathinda, has been submitted in the Court, which is taken on record.

7. Merely on the ground of non-recovery of some of the gold articles, the present petition cannot be rejected, as such, in view of the reasons recorded in the order dated 05.05.2023 and keeping in view the relationship of the petitioner with the complainant and the fact that the petitioner has joined investigation and her custodial interrogation is not required by the Investigating Agency, the present petition is allowed. The order dated 05.05.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

10th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No