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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25065-2024

Date of decision: 02.07.2024

Neelam Sharma

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Ms. Gagandeep Kaur, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0015 dated 12.04.2024 under Sections 406/498-A of IPC registered at Police Station PS NRI, District Gurdaspur.

On 17.05.2024, the following order was passed:-

'The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0015 dated 12.04.2024 under Sections 406/498-A of IPC registered at Police Station PS NRI, District Gurdaspur.

Learned counsel for the petitioner inter alia contends that petitioner is 62 years of old age household lady and mother-in-law of the complainant. The dispute between her son and the complainant has taken place in New Zealand. The petitioner has no involvement in the marital affairs of the complainant and the maximum sentence under the offences in which the FIR is lodged is punishable upto three years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner. 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 v. State of Jharkhand and another' 2023 (3) R.C.R.(Criminal) 754.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, Arnab Manoranjan Goswami v. State of Maharashtra

(2021) 2 SCC 427, Satender Kumar Antil v. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

Adjourned to 02.07.2024.

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. '

Learned State counsel on instructions from ASI Satnam Singh, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 17.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

02.07.2024
Neha

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