

**CRM-M-28740 OF 2024** 1

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

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**CRM-M-28740 OF 2024
DATE OF DECISION :- 13.08.2024**

Satnam Kaur**...Petitioner**

Versus

State of Punjab and another**...Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Pradeep Virk, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 0049 dated 30.04.2024, registered for offences under Sections 323,406,498-A, 313,120-B of the IPC, at Police Station Division No. 7, District Jalandhar.

2. On 31.05.2024, the following order was passed:-

“Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case arising out of FIR No. 0049 dated 30.04.2024 registered under Sections 323, 406, 498-A, 313, 120-B of IPC at Police Station Division No.7, District Jalandhar, Punjab on the basis of written complaint filed by the complainant – Nirlep Kaur alleging therein that she was married with Sandeep Singh on 13.11.2011 according to Sikh rites and ceremonies. Soon after the marriage, she was maltreated by her husband and the petitioner who is her mother-in-law on account of demand of dowry. She was turned out from her matrimonial house on 29.06.2016. Even her pregnancy was got aborted by the petitioner and other members of in-laws family on 29.01.2022 by administering her some medicines. She had lodged complaint to this effect to the police but



somehow the matter was got compromised. Inspite of complaint filed by her, their behaviour remained the same and she was again harassed on account of demand of dowry.

Therefore, she was compelled to lodge another complaint against them. After quoting some other instances of her being torture by the petitioner and her family members, she prayed for taking action against the culprits. Investigation proceedings has been initiated and are underway. The petitioner had moved two applications for pre-arrest bail before the Court of Addl. Sessions Judge, Jalandhar which were dismissed.

It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is 68 years old woman suffering from various ailments. Initially, the petitioner had been booked only for commission of offences punishable under Section 323 IPC and the offences under Sections 406, 498-A, 313, 120-B of IPC were added later on, on the statement of the complainant recorded subsequently without there being any medical evidence on record that any miscarriage/abortion of the complainant had been caused at any point of time. She is facing domestic violence at the hand of the complainant who is daughter in law and is working as ADA/Government Pleader at Jalandhar. The petitioner and her husband had already moved a petition for directing her to vacate the property which is owned by them. Her custodial interrogation is not required. She is ready to join the investigation. Even general, vague and false allegations have been levelled for commission of above said offences against the petitioner. Therefore, it is urged that the petition may be allowed.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent no.2

Amended memo of parties be filed.

Learned State counsel who has advance notice of the petition seeks time to file status report.

Adjourned to 13.08.2024.

Notice to respondent no.2 be issued for the date fixed.



In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Balwinder Pal, has stated that pursuant to the order dated 31.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Mr. Mandeep Singh Sachdev, Advocate (Through Video Conferencing) has appeared for complainant- respondent No. 2.

Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence she ought not to be extended the concessions of anticipatory bail. Learned counsel for the complainant has further argued that the accused-side are repeatedly giving complainants to her Senior Officer in order to harm her in her service and thus this amounts to tampering of evidence on which account also the interim order earlier extended to the petitioner vide order dated 31.05.2024 deserves to be vacated. Learned counsel for the complainant has further argued that the relatives/friends of the petitioner are in influential position and thus there is all likelihood that she may tamper with the course of investigation.

5. In view of above, the present petition stands allowed and the interim order dated 31.05.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be



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confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.08.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No