

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

209/A

CRM-M-29935-2023 (O&M)

Date of Decision: 16.02.2024

NEELAM SHARMA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Sultan Singh Gill, Advocate  
for the petitioner.

Ms. Himani Arora, AAG Punjab.

Mr. A.K. Spehia, Advocate  
for the complainant.

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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.100 dated 28.05.2022 registered under Sections 406 and 498-A of the IPC at Police Station Beas, District Amritsar Rural.

2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant with the allegation that the petitioner had committed cruelty upon the complainant on account of demand of dowry.

3. On 07.06.2023, the Coordinate Bench of this Court passed the following order:-

“1. Mr. Anil Kumar Spehia, Advocate, puts in appearance on behalf of complainant-Anju Sharma and files his Vakalatnama in Court today, which is taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate

place.

2. Petitioner-Neelam Sharma, aged 51 years has filed the instant petition for seeking concession of anticipatory bail in case FIR No.0100 dated 28.05.2022 under Sections 406, 498-A of IPC registered at Police Station Beas, District Amritsar Rural.

3. Counsel for the petitioner submits that petitioner is related as mother-in-law of the complainant-Anju Sharma and has been falsely implicated in the present case. While referring to the order dated 22.07.2022 passed by the Court of Additional District and Sessions Judge, Amritsar, counsel points out that for the reason that petitioner failed to respond over the notice under Section 41 A Cr.P.C, prayer for anticipatory bail was declined by the Court. Counsel for the petitioner further submits that no such notice was ever received by the petitioner, therefore, even today petitioner is ready to join the investigation, if called for.

4. Notice of motion.

5. On asking of Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1(State) and Mr. Anil Kumar Spehia, Advocate, accepts notice on behalf of complainant-Anju Sharma.

Adjourned to 16.08.2023.

6. In the meanwhile, the petitioner is directed to join the investigation on 14.06.2023 or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438 Cr.P.C.”

4. Learned counsel for the petitioner further contends that the petitioner was again directed to rejoin the investigation vide orders dated 16.08.2023, 20.10.2023 and 20.12.2023 by the Coordinate Bench of this Court and in pursuance to the said orders the petitioner had joined the investigation.

5. Learned counsel appearing on behalf of the respondent-State on instructions from Investigating Officer confirms that the petitioner has joined the investigation.

6. Keeping in view the reasons recorded in the order dated 07.06.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 07.06.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid

down under Section 438(2) Cr.P.C.

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN )  
JUDGE

16.02.2024

|         |                           |        |
|---------|---------------------------|--------|
| P.Bhatt | Whether speaking/reasoned | Yes/No |
|         | Whether reportable        | Yes/No |