

CRM-M-30551-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 16.01.2024

Saroj Rani

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Amitoj Singh Dhaliwal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 19.06.2023 the following order was passed:-

“Apprehending her arrest in case FIR No. 13 dated 21.4.2023 registered under Sections 498-A, 406, 120-B IPC at Police Station Women Cell, Ferozepur (Punjab), petitioner seeks pre-arrest bail.

Inter-alia contends that matter arises out of matrimonial discord. The couple resided abroad and the complaint is being filed here in India just to persecute the petitioner.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 18.7.2023.

Adjourned to 18.8.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to satisfaction of the Arresting Officer/investigating Officer. As and when call petitioner shall

join the investigation. She shall abide by the condition enumerated under Section 438(2) of the Cr.P.C.”

2. Learned State counsel on instructions from ASI Prem Kumar, submits that pursuant to the order dated 19.06.2023, the petitioner has joined investigation but entire recovery has not been made. On a specific query by the Court, learned State counsel has submitted that about 02 *tolas* of gold is yet to be recovered.

3. Learned counsel for the complainant has raised arguments in tandem with learned State counsel and states that anticipatory bail deserves to be rejected as petitioner has not got the recovery made.

4. In the facts and circumstances of the case, especially that the petitioner has joined investigation, I do not deem it appropriate to reject the anticipatory bail solely on the ground that entire recovery has not been made.

5. In view of above, the interim order dated 19.06.2023 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 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

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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

January 16, 2024
Ajay

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