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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31204-2024 (O&M)
Date of decision: 05.08.2024

Paramjeet Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.88 dated 29.05.2024 under Sections 498-A, 465, 120-B of the Indian Penal Code, 1860, registered at Police Station Dharamkot, District Moga.

2. On 04.07.2024, 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.88 dated 29.05.2024 under Sections 498-A/465/120-B of IPC registered at Police Station

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Dharamkot, District Moga.

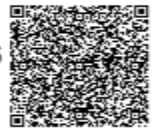
*Learned counsel for the petitioner inter alia contends that the petitioner is the second wife of the husband of the complainant and the FIR (supra) was registered after a delay of nine years from the marriage of the petitioner with the husband of the complainant. At the time of marriage, the complainant had given her 'no objection' in writing and also attended the marriage ceremony of the petitioner with her husband as discernible from the photographs available on record as Annexure P-2. Moreover, 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 in view of the law laid down by the Hon'ble Supreme Court in '**Satender Kumar Antil Vs. CBI**' (2022) 10 SCC 51.*

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 **Satender Kumar Antil Vs. CBI** (2022) 10 SCC 51; **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others** 2010 SCC OnLine SC 137; **Gurbaksh Singh Sibbia etc. Vs. State of Punjab** (1980) 2 SCC 565, **Arnesh Kumar Vs. State of Bihar** (2014) 8 SCC 273 and **Sushila Aggarwal Vs. State of NCT Delhi** 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of*

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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 05.08.2024.

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.”

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

4. In view of the statement of learned State counsel, order dated 04.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

05.08.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No