

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

CRM-M-34333-2022 (O&M)

DATE OF DECISION : 08.04.2024

BHAJAN KAUR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mohd. Yousaf, Advocate, for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Fatehjeet Singh, Advocate, for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 57 dated 13.07.2022 under Sections 406, 498-A, 34 IPC, registered at Police Station Patara Jalandhar Rural, District Jalandhar.

2. Learned counsel for the petitioner contends that petitioner is 66 years old and mother-in-law of the complainant at whose instance the present FIR has been registered. The petitioner has already joined the investigation in compliance of the order passed by this Court.

3. On 22.11.2022 following order was passed:

“Learned counsel for the petitioner has submitted that the petitioner before this Court is mother-in-law of the complainant. He has submitted that in pursuance to the order dated 04.08.2022, the parties appeared before the Mediation Centre, however, the same remained unsuccessful. He submits that son of the petitioner i.e. the husband of the complainant is in Portugal. He submits that the complainant has filed FIR No.212 dated 29.09.2021, under Sections 323, 324, 506, 34 IPC (Offence under Section 326 IPC

added lateron), registered at Police Station Rama Mandi, District Jalandhar, where the allegations pertaining to offence under Section 498-A was not there, however, thereafter, the present FIR was lodged. He submits that the complainant has implicated the petitioner and other family members only to harass them. He submits that there is no complicity of the petitioner in the alleged offence.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner and submits that the husband of the complainant left for Portugal only after 15 days of the marriage. He submits that there are specific allegations against the petitioner and co-accused. He submits that recovery of the dowry articles is also to be effected.

Report of the Mediator has also been received affirming the fact that the matter could not be settled by way of amicable settlement.

Learned State counsel on instructions from SI Jaspal Singh has submitted that in the earlier FIR lodged by the complainant, challan has already been presented. He submits that in the present case, there was no order of joining investigation, hence, the same is pending investigation.

After hearing learned counsel for the parties and perusing the record, it is apparent that the investigation is to be completed. In these circumstances, the order dated 04.08.2022 is modified to the extent that in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer on 24.11.2022 at 10:00 a.m. She shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.

Adjourned to 27.01.2023. ”

4. Learned State counsel has confirmed that the petitioner has joined the investigation in compliance of the order passed by this Court.

However, referring to the status report, it is contended that there is one more

FIR against the petitioner i.e. FIR No. 212 dated 29.09.2021 under Section 323, 324, 326, 506, 34 IPC, registered at Police Station Rama Mandi, District Jalandhar. Learned State counsel has submitted that in the said case, challan has been presented and is pending trial before the Court.

5. Learned counsel for the complainant has opposed the bail application on the ground that even a previous FIR has been registered and the complainant's husband is outside India and he has not joined the proceedings till today. No action has been taken against the husband by the police.

6. The perusal of the file indicates that the parties were referred to mediation as per order dated 04.08.2022. The petitioner is senior citizen; a female; she has joined the investigation. The allegations and counter-allegations inter se each other are matter of trial. No purpose would be served by sending the petitioner behind the bars. The allegations of the complainant-victim are matter of trial.

7. In view of the aforesaid circumstances and keeping in view the reasons recorded in the order dated 22.11.2022, the present petition is allowed and the order dated 22.11.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No