

CRM-M-35746-2023 (O&M)

1

2024:PHHC:025117

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

208/A

CRM-M-35746-2023 (O&M)

Date of Decision: 22.02.2024

GURNAM KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

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

Present:- Mr. Paras Talwar, Advocate with  
Mr. Sidharth Sehgal, Advocate  
for the petitioner.

Ms. Himani Arora, AAG Punjab.

Mr. L.S. Mann, Advocate  
for respondent No.2.

\*\*\*\*

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.72 dated 15.06.2023 registered under Sections 323, 342, 498-A, 506, 34 of the IPC (Section 406 IPC added later on) at Police Station Mullanpur, District SAS Nagar, Punjab.
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant-respondent No.2 with the allegation that the petitioner had committed cruelty upon the complainant-respondent No.2 on account of demand of dowry.
3. On 26.07.2023, the Coordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner would contend

that the petitioner is the mother-in-law and totally vague allegations have been made against the petitioner in the FIR. There is no specific incident or date given when the alleged demand for dowry is stated to have been made. Learned counsel would further contend that all allegations are against the son of the petitioner. Learned counsel has also referred to the medical condition of the petitioner who has been advised surgery for anal incontinence.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the State-respondent No.1.

On the oral request made by counsel for the petitioner, the complainant - Sukhwinder Kaur wife of Manpreet Singh resident of Takkipur, Police Station Mullanpur, Garibdas, District SAS Nagar, Punjab - is impleaded as respondent No.2 in the petition. Registry to make the requisite correction in the memo of parties.

Mr. L.S. Mann, Advocate has put in appearance on behalf of the complainant-respondent No.2 and filed his vakalatnama which is taken on the record.

List on 20.10.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973."

4. Learned counsel for the petitioner further contends that the petitioner had joined the investigation in pursuance to the order dated 26.07.2023 passed by the Coordinate Bench of this Court.

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

6. Keeping in view the reasons recorded in the order dated 26.07.2023 and keeping in view the fact that the petitioner has joined investigation, her custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 26.07.2023 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

22.02.2024

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