

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37160-2023 (O&M)
DATE OF DECISION : 13.02.2024

BALJIT KAUR & ANOTHER .. PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Suresh Kumar Arya, Advocate for the petitioners.
Mr. Adesh Pal Singh, A.A.G., Punjab.
Mr. H.S.Saggu, 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. 42 dated 24.06.2023 registered at Police Station Women, District S.A.S. Nagar, under Sections 406, 498-A, 494, 506 & 120-B of IPC.

2. On 01.08.2023 following order was passed:

“xxxx Learned counsel for the petitioners, inter-alia, contends that the subject FIR has been got registered about 18 years after the marriage of the complainant with Gurbaksh Singh who happens to be the brother of petitioner No.1 and the son of petitioner No.2 and the petitioners have been got falsely implicated in the criminal case under reference due to the matrimonial discord between the complainant and her husband and moreover, they are ready to join in the investigation as and when so required by the Investigating Agency and are also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has put in appearance in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks time to get proper and complete instructions qua this matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 02.11.2023.

Meanwhile, in the event of their arrest, the petitioners shall be released on interim bail subject to their furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioners shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioners contends that petitioner No.1 is sister-in-law and petitioner No.2 is 63 years' old, mother-in-law of respondent No.2-complainant. Both the petitioners have joined the investigation in compliance of the orders passed by this Court dated 01.08.2023 and 02.11.2023.

4. Learned counsel for the complainant has opposed the bail application on the ground that no recovery has been effected.

5. Learned counsel for the respondent-State has confirmed that the petitioners have joined the investigation but contends that recovery has not been effected. He further informs that the bail application of the husband of the complainant has already been dismissed.

6. There is no other case registered against the petitioners.

7. The petitioners have joined the investigation. Both the petitioners are female. Merely on the ground that recovery has not been effected, relief cannot be declined to the petitioners. Keeping in view the reasons recorded in the order dated 01.08.2023 and the aforesaid circumstances, the present petition is allowed and the order dated 01.08.2023 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

13.02.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE