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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-37602-2024 (O&M)****Date of Decision: 05.09.2024****SULINDER KAUR ALIAS SURINDER KAUR****...Petitioner****V/S****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Sunny Singla, Advocate for the complainant.

*********HARPREET SINGH BRAR J. (Oral)**

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.78 dated 23.06.2024 under Sections 498-A/304-B of IPC registered at Police Station Sri Anandpur Sahib, District Rupnagar (Annexure P-1).

2. On 05.08.2024, 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.78 dated 23.06.2024 under Sections 498-A/304-B of IPC registered at Police Station Sri Anandpur Sahib, District Rupnagar (Annexure P-1).

Learned counsel for the petitioner inter alia contends that there is a delay of nine years in the registration of the FIR (supra). The marriage between the son of the petitioner and his deceased wife was a love marriage and they were in a relationship for the last four years prior to their marriage. He further submits that the petitioner is the mother-in-law of the deceased, whereas, husband of the deceased has already been arrested, as such, custodial interrogation of the petitioner is not required in the absence of any specific allegation with regard to cruelty on account of demand of



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dowry immediately before the death of daughter-in-law of the petitioner.

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.

Mr. Sunny Singla, Advocate puts in appearance on behalf of the complainant and vehemently opposes the grant of anticipatory bail to the petitioner on the ground that the deceased has committed suicide within three months from her marriage and petitioner used to harass her.

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 her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of 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 05.09.2024.

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 SI Balbir Chand, submits that in compliance of order dated 05.08.2024 passed by this Court, the



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petitioner has joined the investigation and is not required for further custodial interrogation. However, learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner.

4. Keeping in view the statement made by learned State Counsel the order dated 05.08.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly allowed.

(HARPREET SINGH BRAR)
JUDGE

05.09.2024
Ajay Goswami

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