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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43069-2024 (O&M)
Date of decision: 03.10.2024

Neetu Bala

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Rashika Bansal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ritesh Pandey, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.49
dated 10.08.2024 under Section 498-A of the Indian Penal Code, 1860,
registered at Police Station Kahnuwan, District Gurdaspur.

2. On 02.09.2024, the following order was passed:-

*“The instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
anticipatory bail in FIR No.49 dated 10.08.2024 under
Section 498-A of the Indian Penal Code, 1860, registered at
Police Station Kahnuwan, District Gurdaspur.*

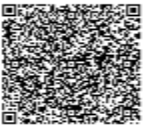


Learned counsel for the petitioner, inter alia, contends that the petitioner is sister-in-law of complainant-respondent No.2 and she has been entangled in the FIR (supra) only for the reason that after her divorce, her parents have transferred some property in her name. Similarly situated co-accused have already been granted the concession of interim anticipatory bail by this Court vide order dated 27.08.2024 passed in CRM-M-41523-2024 (Annexure P-4). It is further contended that the petitioner never resided with complainant-respondent No.2 and her husband. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years.

Notice of motion for 03.10.2024.

At this stage, Mr. Ritesh Pandey, Advocate appears on behalf of respondent No.2-complainant and files his Vakalatname in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case. He vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that she was instrumental in harassing the complainant and specific allegations with regard to demand of dowry are levelled against her.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before*



Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from SI Ramesh Lal, 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 02.09.2024 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

03.10.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No