

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52387-2023

Date of Decision : 05.02.2024

Harpreet Kaur @ Preeti

...Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.194 dated 24.09.2023, registered for the offences punishable under Sections 304-B IPC, (lateron added offence under Sections 498-A, 406, 120-B IPC), 1860, at Police Station, Chheharta, District Amritsar.

On 02.11.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.194 dated 24.09.2023 under Section 304-B of the Indian Penal Code, 1860 registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioner would contend that the petitioner is the married sister-in-law, who is residing in her matrimonial house. Learned counsel for the petitioner would further contend that there are no specific allegations against the petitioner in the FIR.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the respondent-State of Punjab.

Learned counsel for the State has filed a status-report by way of affidavit of Manmohan Singh Aulakh, PPS, Assistant Commissioner of Police, West, Amritsar City along with the post-mortem report and other annexures. The learned counsel for the State has pointed out that the husband, mother-in-law and one sister-in-law stand arrested. Learned counsel for the State is not in a position to deny that the petitioner herein is the married sister-in-law residing in her matrimonial home.

List on 22.01.2024.

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 personal bonds with adequate surety 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.”

2. Learned State counsel on instructions from ASI Sarwan Singh has stated that pursuant to the order dated 02.11.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 02.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

February 05, 2024

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(SUMEET GOEL)
JUDGE

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