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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55852-2023 (O&M)

Date of Decision: 14.02.2024

NARINDER KAUR

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jashanjot Singh Uppal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR bearing No.74 dated 13.09.2023 registered at Police Station Hajipur, District Hoshiarpur, under Sections 363, 366-A, 120-B and 506 IPC and Section 8 of the POCSO Act, 2012.
2. On 06.11.2023 , the following order was passed:-

“The petitioner herein seeks the relief of pre-arrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.74 dated 13.09.2023 registered at Police Station Hajipur, District Hoshiarpur, under Sections 363, 366A, 120B, 506 IPC and Section 8 of the POCSO Act, 2012.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in the criminal case under reference merely for the reason that she happens to be the mother of her co-accused Navdeep Singh who is alleged to have abducted the prosecutrix whereas in fact, she (petitioner) had no role to play in the alleged crime and rather, she herself had informed the parents of the prosecutrix regarding the whereabouts of their daughter and her own son and moreover, the petitioner is ready and willing to join the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has appeared 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 the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 14.02.2024.

Meanwhile, the petitioner shall join in the investigation on 21.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of her arrest, she shall be released on interim bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and she shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Om Parkash, has stated that pursuant to the order dated 06.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 06.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be interpreted as 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.

6. 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.

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

8. Pending application(s), if any, shall also stand disposed off.

14.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No