

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56375 of 2023

DATE OF DECISION :- 02.02.2024

Kulwant Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. K.B.S. Mann, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. On 09.11.2023, the following order was passed:-

“CRM-47542-2023

Application is allowed as prayed for.

Order dated 02.12.2022 passed in CRM-M-51725-2022, by this Court, is taken on record as Annexure P-5, in lieu of the document originally filed.

CRM-M-56375-2023

This is the second petition filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

FIR No. 195 Dated 17.10.2022 Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, Section(s) 406, 420, 498-A and 120-B, IPC.

Counsel for the petitioner submits that petitioner is the mother-in-law of the complainant's daughter. By making a reference to the settlement dated 26.07.2023, Annexure P-1, arrived at before the Mediation and Conciliation Centre of this Court, he submits that matrimonial dispute has been settled after the first petition preferred

by the petitioner, was withdrawn from this Court by order dated 02.12.2022, Annexure P-5. Counsel further submits that petitioner, who is abroad, intends to visit India as well as pay the balance amount under the settlement, Annexure P-1. He has specific instructions to state that pursuant to the settlement, Annexure P-1, petition under Section 13-B of Hindu Marriage Act, 1955, Annexure P-2, seeking divorce by way of mutual consent has been instituted and Rs.16 lakhs, out of Rs.31 lakhs, has been paid.

Counsel for the petitioner submits that petitioner will join the investigation within a period of 3 weeks from today.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent-State.

List on 02.02.2024.

Petitioner is directed to appear before the Investigating Officer on 06.12.2023 at 10.00 A.M. at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Learned State counsel on instructions from ASI Gurtej Singh has stated that pursuant to the order dated 09.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 09.11.2023 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.

(SUMEET GOEL)
JUDGE

02.02.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No