

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59748 of 2023
DATE OF DECISION :- 26.02.2024

Kashmir Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vipul Goel, Advocate with
Mr. Pulkit Sethi, Advocate for
Mr. Rajat Malhotra, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

None for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. On 16.12.2023, 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.0104 dated 05.11.2023 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Chamkaur Sahib, Rupnagar.

Learned counsel for the petitioner would contend that the petitioner is the mother-in-law of the complainant. Learned counsel would further contend that the petitioner is willing to settle the matter and that she is further willing to return all the istridhan articles and the documents of the complainant which are lying in their house.

On the oral request of the learned counsel for the petitioner, the

complainant, namely, Simranjit Kaur, is impleaded as respondent No.2. Registry is directed to carry out the requisite changes in the memo of parties.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab, accepts notice on behalf of the respondent-State. Learned counsel for the State has filed status report by way of an affidavit dated 16.12.2023 of Jarnail Singh, PPS, Deputy Superintendent of Police, Sri Chamkaur Sahib, District Runagar. The same is taken on record. Registry to scan the same and tag at the appropriate place.

Let notice be issued to newly added respondent No.2, returnable 23.02.2024.

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 adequate surety and personal bonds 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.

On the next date of hearing, the petitioner shall bring a demand draft of Rs.30,000/- in the name of complainant/respondent No.2 towards litigation expenses.”

2. Learned State counsel, on instructions from ASI Sohan Lal has stated that pursuant to the order dated 16.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the present petition stands allowed and the interim order dated 16.12.2023 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

26.02.2024
P.Singh

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