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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64122-2023
Date of decision: 1st May, 2024

Seema Rani and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. H.S. Jakhal, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Mr. Manuj Nagrath, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case arising out of FIR No. 148 dated 14.12.2022 initially registered under Section 498-A of IPC at Police Station Lakho Ke Behram, Tehsil and District Ferozepur and offence under Section 307 of IPC having been added later on, on the basis of DDR No. 45 dated 20.10.2023.

2. Vide order dated 20.12.2023 passed by this Court, the petitioners were released on interim bail and were directed to join investigation. Order dated 20.12.2023 passed by this Court reads as under:-

“Present petition has been filed by the petitioners under

Section 438 of Cr.P.C. seeking anticipatory bail in case FIR No.148, dated 14.12.2022 (Annexure P-1) registered under Section 498-A of IPC and in DDR No.45 dated 20.10.2023 (Annexure P-2) registered under Section 307 of IPC at Police Station Lakho Ke Behram, Tehsil and District Ferozepur on the basis of written complaint filed by the complainant-Nancy Rani making allegations of being harassed and assaulted by her husband as well as his family members on account of unlawful demand of dowry. As per the allegations, on 09.12.2022 at about 07-08 PM, the present petitioners who is her sister-in-law, and other members of in-laws family, had extended beatings to her and her husband had made her consume some poisonous substance thereby, making an attempt to kill her.

It is submitted by learned counsel for the petitioners that the petitioners who are brother-in-law and sister-in-law respectively of the complainant have been living separately with her husband. The allegations of administration of some poisonous substance have been levelled against the husband of the complainant. They have been falsely implicated on the basis of vague, general and omnibus allegations of her extending beatings to the complainant. The allegation as levelled against her did not make any case for commission of offence punishable either under Section 498-A or Section 306 of IPC.

Notice of motion.

On asking of the Court, Ms. Himani Arora, A.A.G, Punjab, accepts notice on behalf of respondent-State. She seeks some time to file status report.

Adjourned to 07.02.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of her

arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel has submitted that the petitioners had joined investigation on 23.12.2023 and they are not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 20.12.2023 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

1st May, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No