

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45012-2022

Date of decision : 31.10.2022

Sonia Gupta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Shailender Singh Momi, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

Mr.Naresh Jain, Advocate for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.164 dated 19.08.2022 registered under Sections 323, 341, 452, 506, 380, 148 IPC at Police Station Sadar, Ludhiana, District Police Commissionerate Ludhiana, Punjab.

On 28.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the petitioner is the wife of the complainant and their marriage was solemnized on 22.02.1994 and from the wedlock, two children were born and it is the complainant who has maltreated the present petitioner and the petitioner even had filed a petition under Section 125 Cr.PC. for maintenance, which was withdrawn as the matter had been compromised. It is further contended that the petitioner had given a representation dated 07.09.2021 against the complainant and his son, namely, Sahil Gupta for having beaten the petitioner. It is also submitted that the suit for injunction has been filed by the petitioner against her husband and son, in which, the Civil Court granted injunction vide order dated 24.09.2021. It is stated that the present FIR has been registered in order to oust the petitioner from the said house and even as per the allegations in the FIR,

only simple injury has been attributed to the present petitioner. It is further stated that there is a delay of 12 days in the registration of the present FIR.

Notice of motion for 31.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It would be open to the learned counsel for the complainant to place on record documents, if any, to show that the petitioner is not entitled for grant of anticipatory bail.

September 28, 2022 (VIKAS BAHL)
JUDGE "

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 28.09.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 28.09.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 31, 2022

Davinder Kumar