

**“prayer in This Application Is for Grant of Bail in Anticipation of Arrest Vs. Versus**

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**Court :** Punjab and Haryana

**Decided On :** May-22-2014

**Appellant :** “prayer in This Application Is for Grant of Bail in Anticipation of Arrest

**Respondent :** Versus

**Judgement :**

CRM No.M-39324 of 2013 & -1- CRM No.M-33717 of 2013 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH (1) CRM No.M-39324 of 2013 Darshana ..Petitioner Versus State of Punjab ..Respondent (2) CRM No.M-33717 of 2013 Rajinder Gaba ..Petitioner Versus State of Punjab ..Respondent Date of Decision: - 22.05.2014 CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR Present: Mr. Ashok Giri, Advocate, for the petitioners. Ms. Amarjit Khurana, Additional Advocate General, Punjab, for the respondent-State. Ms. J.S. Bains, Advocate, for the complainant. \*\*\*\* MEHINDER SINGH SULLAR , J.(oral) As identical points to grant the concession of anticipatory bail to the petitioners are involved, therefore, I propose to dispose of indicated criminal petitions bearing CRM No.M-39324 of 2013 titled Darshana Vs. State of Punjab (for brevity the 1st case.) and CRM No.M-33717 of 2013 titled Rajinder Gaba Vs. State of Punjab (in short 2 nd Kumar Naresh 2014.05.28 14:52 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-39324 of 2013 & -2- CRM No.M-33717 of 2013 case), arising out of the same case/FIR, by means of this common order, to

avoid the repetition of facts.

2. Petitioners, have preferred the instant separate petitions for the grant of anticipatory bail, in a case registered against them along with other co-accused Deepak Dhingra and Rajni Gaba (already on bail), vide FIR No.264 dated 31.08.2013, on accusation of having committed the offences punishable under Sections 406 and 498-A IPC (the offence punishable under Section 494 IPC was added later on), by the police of Police Station Sadar Jalandhar.

3. Notices of the petitions were issued to the State.

4. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petitions for anticipatory bail deserve to be accepted in this context.

5. During the course of preliminary hearing, the following order was passed by a Co-ordinate Bench of this Court (Rekha Mittal, J.) on November 22, 2013, in 1st case :- Prayer in this application is for grant of bail in anticipation of arrest for offence under Sections 406, 498-A, 494 of the Indian Penal code pertaining to FIR No.264 dated 31.8.2013 registered at Police Station Sadar Jalandhar, District Jalandhar City. Counsel for the petitioner would contend that husband of the complainant was arrested in this case and during his custody, the dowry articles allegedly given to the accused have already been recovered. It is further submitted that husband has been released on regular bail by the Court below. According to counsel, the complainant has levelled false allegations in regard to administering some poisonous substance but no offence under Section 328 of the Indian Penal Code has been registered. It is further Kumar Naresh 2014.05.28 14:52 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-39324 of 2013 & -3- CRM No.M-33717 of 2013 submitted that the petitioner is the widowed mother-in-law of the complainant and she is ready to hand over whatever articles belonging to the complainant are in her custody, at the time of joining investigation. Notice of motion for 3.12.2014. In the meantime, the petitioner is directed to join investigation within seven days and on her appearance before the arresting/investigating officer, she shall be admitted to bail on her furnishing bail

bonds to the satisfaction of the concerned officer subject to the following conditions:- i) she shall make herself available for interrogation by a police officer as and when required; (ii) she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and (iii) she shall not leave India without the previous permission of the Court. To be heard along with CRM No.M- 32865 of 2013.. 6. Sequelly, similar order was passed on October 07, 2013, in 2nd case, as well.

7. At the very outset, on instructions from HC Gurdish Singh, learned State Counsel, has acknowledged the relevant factual matrix and submitted that the petitioners have already joined the investigation. They are no longer required for further interrogation, at this stage. Moreover, all the main allegations of cruelty in connection with and on account of demand of dowry are assigned to main accused Deepak Dhingra (husband), who was arrested, interrogated and was allowed the bail by the learned trial Court. Petitioner Darshana is mother-in-law whereas petitioner Rajinder Gaba is her brother. There is no history of previous involvement of the petitioners in any other criminal case. All the offences alleged against the accused are triable by the Court of Magistrate. Even, Kumar Naresh 2014.05.28 14:52 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-39324 of 2013 & -4- CRM No.M-33717 of 2013 since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

8. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above, the instant petitions for anticipatory bail are accepted. The interim bails already granted to the petitioners by this Court, by virtue of orders dated November 22, 2013 (in 1st case) & October 07, 2013 (in 2 case), are hereby made absolute, subject to the nd compliance of the conditions, as contemplated under Section 438(2) Cr.P.C. Needless to mention that, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of their bail, in this respect. May 22, 2014 (MEHINDER SINGH SULLAR) naresh.k JUDGE Kumar Naresh 2014.05.28 14:52 I attest to the

accuracy and integrity of this document Chandigarh

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