

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1799 OF 2013
(Arising out of SLP (Crl.) No.2327 of 2013)

PUSHPINDER KAUR & ANR. Appellant(s)

VERSUS

STATE OF PUNJAB & ANR. Respondent(s)

O R D E R

Leave granted.

This appeal arises out of an order dated 26th February, 2013 passed by the High Court of Punjab and Haryana at Chandigarh whereby Criminal No.M-15112 of 2012, filed by the appellants for grant of anticipatory bail, has been dismissed.

When this appeal by way of a special leave petition came up for preliminary hearing before us on 19th March, 2013, we issued notice to the respondents and also granted interim protection to the appellants against arrest, pending further orders. Having heard learned counsel for both the parties at some length today, we see no reason why that arrangement should not be made absolute. Learned counsel for respondent no.2-complainant submits that both the appellants have shifted to Canada and that they may, as in the past, continue to avoid the investigating agency thereby frustrating the purpose of registration of the case against them. Learned counsel for the appellants however submits that appellant no.2 has met with an accident and gone to Canada for medical treatment while appellant no.1, his wife has accompanied him to take care of him during the period he is under treatment. Learned counsel further submits that appellants are expected to return to the country within six months or so and upon their return they will fully cooperate with the on-going investigation. We see no reason to reject the explanation offered or the assurance given at the Bar on behalf of the appellants.

In the circumstances, therefore, we allow this appeal, set aside the judgment and order passed by the High Court and direct that in the event of the appellants arrest in connection with FIR No.56, dated 04.05.2011 registered at Police Station Model Town, Ludhiana City, Punjab, for offences punishable under Sections 406 and 498-A I.P.C., they shall be enlarged on bail subject to their furnishing bails bonds in a sum of Rs.20,000/- (Rupees twenty thousand) with two sureties each in the like amount to the satisfaction of the officer effecting the arrest. The appellants shall however cooperate with the on-going investigation and refrain from tampering with the evidence in any manner.

.....J.
(T.S. THAKUR)

.....J.
(VIKRAMAJIT SEN)

NEW DELHI
DATED 18th October, 2013.

ITEM NO.46 COURT NO.7 SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

(From the judgement and order dated 26/02/2013 in CRLM No.15112/2012, of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PUSHPINDER KAUR & ANR. Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR. Respondent(s)

(With appln(s) for anticipatory bail and office report)

Date: 18/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Ms. Ruchi Kohli,Adv.
Mr. Yash Mishra,Adv.
Ms. Nidhi Jaswal,Adv.
Ms. Vidushi Chokhani,Adv.
Ms. Asha Kochar,Adv.
Mr. Nirmal Goenka,Adv.

For Respondent(s) Mr. V. Madhukar,AAG
Ms. Anvita Cowshish,Adv.
Mr. Kuldip Singh ,Adv

Mr. Shubham Bhalla,Adv.
Mr. Ritesh Khatri,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order:

"In the circumstances, therefore, we allow this appeal, set aside the judgment and order passed by the High Court and direct that in the event of the appellants arrest in connection with FIR No.56, dated 04.05.2011 registered at Police Station Model Town, Ludhiana City, Punjab, for offences punishable under Sections 406 and 498-A I.P.C., they shall be enlarged on bail subject to their furnishing bails bonds in a sum of Rs.20,000/- (Rupees twenty thousand) with two sureties each in the like amount to the satisfaction of the officer effecting the arrest. The appellants shall however cooperate with the on-going investigation and refrain from tampering with the evidence in any manner."

|(Mahabir Singh)
| Court Master

|(Veena Khera)
| Court Master

(Signed order is placed on the file)