

Mamta Kaur
v.
State of Punjab

(Criminal Appeal No. 136 of 2025)

09 January 2025

[Bela M. Trivedi and Prasanna B. Varale, JJ.]

Issue for Consideration

Whether the appellant can be granted anticipatory bail in connection with FIR No 13 dated 14.02.2023, for the offence punishable under Section 306 of the Penal Code, 1860.

Headnotes[†]

Anticipatory Bail – Criminal Procedure Code – Section 438 – Indian Penal Code – Section 306:

Held: Pursuant to interim order of Supreme Court, the appellant/accused joined investigation and his custodial interrogation not required as per the State – The appellant directed to be released on bail, if not required in any other case, on such terms and conditions that may be imposed or deemed fit by the trial court – The Respondent State shall be at liberty to seek cancellation of bail in case any conditions, as imposed by the trial court, are violated by the appellant. [Paras 6, 7]

List of Acts

Code of Criminal Procedure, 1973; Penal Code 1860.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 136 of 2025

From the Judgment and Order dated 17.04.2023 of the High Court of Punjab & Haryana at Chandigarh in CRM-M No. 17439 of 2023

Appearances for Parties

Nikhil Ghai, Ms. Sweta Rani, Advs. for the Appellant.

Ms. Baani Khanna, Adv. for the Respondent.

Supreme Court Reports**Judgment / Order of the Supreme Court****Judgment**

1. Leave granted.
2. The present appeal is directed against the impugned judgment and order dated 17.04.2023, passed by the High Court of Punjab and Haryana in CRM-M-No. 17439 of 2023, whereby the High Court had rejected the said petition filed by the present appellant seeking anticipatory bail in connection with the case FIR No. 13 dated 14.02.2023, registered at Police Station-Gharinda, District-Amritsar for the offence punishable under Section-306 of the Indian Penal Code.
3. Heard learned counsel for the parties and perused the material on record.
4. It is fairly submitted by the learned counsel appearing for the respondent-State of Punjab that pursuant to the Order passed by this Court on 21.10.2024, the appellant has joined the investigation as and when called upon to do so and that she has received a letter from the Investigating Officer stating therein that no more custodial interrogation of the appellant is required in the case.
5. In view of the above, we are inclined to accept the present appeal.
6. Hence, it is directed that in the event of the arrest of the appellant, in connection with the case FIR No. 13 dated 14.02.2023, registered at Police Station-Gharinda, District-Amritsar, she shall be released on bail, if not required in any other case, on such terms and conditions that may be imposed or deem fit by the Trial Court.
7. It goes without saying that the respondent-State shall be at liberty to file appropriate application seeking cancellation of bail in case any of the conditions, that may be imposed by the Trial Court, are violated or breached by the appellant.
8. Accordingly, the appeal is allowed.
9. Pending application(s), if any, shall stand closed.

Result of the case: Appeal allowed.