

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-15638 of 2015

Date of Decision: 14.5.2015

Amanpreet Kaur alias Gejo

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner(s).

Darshan Singh, J.

1. The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking anticipatory bail in case FIR No. 8 dated 29.1.2015 registered under Sections 326, 323, 452 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Mehta, Amritsar (Rural).

2. As per the prosecution allegations, the petitioner was armed with dattar and in furtherance of her common intention with her co-accused, she had caused injuries to complainant-Kashmir Kaur, as a result of which, this case has been registered on the statement of the complainant for the offences punishable under Sections 326, 323, 452 & 34 IPC. The application of the petitioner for grant of anticipatory bail has been dismissed by the Additional Sessions Judge, Amritsar. Hence, this petition.

3. Learned counsel for the petitioner contended that there is a delay of two months in lodging the FIR, which has not been explained. He further contended that infact a criminal complaint was filed by the accused party against the complainant party, which is pending adjudication in the Court. The present false case has been got registered in order to pressurize the accused party for effecting compromise in that complaint case. He further contended that the petitioner is ready to join the investigation.

4. I have duly considered the aforesaid contentions.
5. It is settled principle of law that in order to seek the remedy of the anticipatory bail, which is an extraordinary privilege, the petitioner should make out a special case. In the instant case, there are categoric allegations against the petitioner that she was armed with a dattar and gave its blow on the elbow of complainant-Kashmir Kaur. So, the petitioner has played a major role in the present occurrence. The weapon of offence is yet to be recovered from her possession which requires her custodial interrogation.
6. The explanation of delay in lodging the FIR and that the false case has been got registered to pressurize the accused party for compromise in the complaint case, are the disputed question of facts which can only be ascertained on appreciation of evidence at the appropriate stage.
7. Thus, in view of my aforesaid discussion, the petitioner has failed to make out an exceptional case for grant of extraordinary privilege of anticipatory bail. Consequently, the present petition has no merit and the same is hereby dismissed, in limine.

(Darshan Singh)
Judge

May 14, 2015
"DK"