

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8383 of 2015
Date of Decision:23.04.2015

JASBIR KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sahil Kaushal, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

RAJ MOHAN SINGH J. (ORAL)

On 23.03.2015, this Court passed the following order;

“Petitioner is mother in law of daughter of the complainant, who died on account of burn injuries. After registration of the case challan was submitted against Kuldeep Singh (husband of the deceased). Challan was not presented against the petitioner and her husband (father in law of the deceased) namely Baldev Singh. At the time of presentation of challan, the Investigating Officer recited that the petitioner along with her husband had represented to higher authorities, pleading their innocence and in pursuance thereof, enquiry was statedly pending before Deputy Superintendent of Police (Sub Division), Jagraon. It is because of that fact, the Investigating Officer did not file challan against the petitioner and her husband. During the intervening period, after submission of enquiry report by DSP, husband of the petitioner was arrested on account of raid conducted at the house and now petitioner feels reasonable apprehension of her arrest.

Learned counsel for the petitioner states that under some misconception, an application under Section 319 Cr.P.C. is also pending before the trial Court.

Learned counsel for the petitioner further states that solely CRM-M-8383-2015 the enquiry of DSP cannot be made part of challan because there cannot be two Investigating Officers in one criminal case and the report submitted by DSP is in violation of Section 173 (8) Cr.P.C.

Notice of motion for 23.04.2015.

In the event of arrest, the petitioner shall be enlarged on interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner states that in pursuance to aforesaid order, petitioner has appeared before the Investigating Officer on 31.03.2015 and has been granted interim bail.

Learned State counsel on instructions from Head Constable Sukhdev Singh admits the aforesaid fact.

In view of aforesaid, order dated 23.03.2015 is made absolute.

(RAJ MOHAN SINGH)
JUDGE

23.04.2015
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