

CRM-M-14904-2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14904-2016

Date of Decision: 05.08.2016

Jatinder Kaur and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Rukmani Pandit, Advocate for
Mr. Manoj Kumar, Advocate for
the petitioners.

Ms. Shivali, AAG, Punjab.

INDERJIT SINGH, J. (Oral)

This petition has been filed under Section Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.20 dated 19.03.2016, registered at Police Station Dera Baba Nanak, District Gurdaspur, under Sections 307, 34 of the Indian Penal Code and 25 of the Arms Act.

Notice of motion has been issued in this case.

Ms. Shivali, AAG, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

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From the record, I find that as per the prosecution version, only *lalkara* has been attributed to petitioner No.1-Jatinder Kaur and attribution qua petitioner No.2-Sukhraj Singh @ Sukhrajbir Singh is that he caught hold of the complainant. Neither they were armed with any weapon nor any injury has been attributed to them. The main allegation levelled against accused Avtar Singh that he fired from his weapon.

In pursuance of the interim order dated 02.05.2016 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and no useful purpose will be served by sending the petitioners to custody, I find merit in this petition and the same is allowed. The order dated 02.05.2016, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

05.08.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No