

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

Sr. No.206

CRM No.M-35067 of 2016

DECIDED ON: October 26, 2016

RANI KAUR AND ANOTHER

..PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sumeet Puri, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent -State.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioners Rani Kaur and Mohinder Singh have sought pre-arrest feeling apprehension of their arrest in case FIR No. 101, dated September 07, 2016, under Sections 452, 324, 323, 447, 148 & 149 IPC, registered at Police Station Longowal, District Sangrur, during the pendency of trial.

At the time of issuance of notice of motion on September 30, 2016, following order was passed:

“Inter-alia, it has been contended by learned counsel for the petitioners that the role attributed to Rani Kaur-petitioner No.1 is only that she instigated her co-accused, who inflicted Gandasa blow on the right hand of Gurmeet Singh, whereas no role has been ascribed petitioner No.2-Mohinder Singh. Learned counsel further contends that Labh Singh and Gurmail Singh, who caused injuries to Gurmeet Singh,

have already surrendered before the trial Court yesterday, whereas all the other persons involved in this case have already been granted the concession of pre-arrest bail by the Sessions Court.

Notice of motion for 26.10.2016.

In the meanwhile, petitioners are directed to join the investigation on 06.10.2016 at 11.00 AM before the Investigating Officer and as & when required by the police. In the event of arrest, petitioners shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions envisaged under section 438(2) Cr.P.C.:

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioners shall not leave India without the previous permission of the Court.”*

On instructions from H.C. Amrik Singh, learned State counsel has submitted that in compliance of order dated September 30, 2016 petitioners have already joined the investigation before the trial Court and they are no more required for further interrogation.

However, it has been pointed out by learned counsel for the petitioners that after passing of order dated September 30, 2016 by this Court, an offence under Section 326 IPC has been added in the FIR, but there is no such attribution to the petitioners. Rather, the offence falling within the purview of Section 326 IPC is against the co-accused of the petitioners. Since, the petitioners have already joined the investigation and they are no more required for further interrogation.

Accordingly, order dated September 30, 2016 is made absolute and shall enure during the pendency of trial.

While parting with this order, it is made clear that since an offence under Section 326 IPC has been added after filing of instant petition, petitioners shall stands admitted to bail under Section 326 IPC also in addition to other offences under which the FIR in question has been registered.

However, petitioners shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

October 26, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No