

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

**Crl. Misc. No. M-42861 of 2016
Date of Decision:17.12.2016**

Karamjit Kaur and another Petitioners

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Ms. Jasneet Mehra, Advocate for Mr. Vijay Rana,
 Advocate for the petitioners.

Mr. R.P.S. Sidhu, AAG, Punjab.

JASPAL SINGH, J.(Oral)

By virtue of the instant petition referred under Section 438 of the Code of Criminal Procedure, the petitioners, namely, Karamjit Kaur and Rajwant Kaur have prayed for pre-arrest bail feeling apprehension of their arrest in case FIR No.17 dated 25.3.2013 registered under Sections 420, 120-B IPC at Police Station Sadar, Sri Muktsar Sahib, Tehsil and District Muktsar Sahib.

Indisputably, both the petitioners were found innocent during investigation and at the time of presentation of report under Section 173(2) Cr.P.C while presenting challan against their co-accused, their names were mentioned in column No.2. However, subsequent thereto, on the basis of an application moved by the prosecution under Section 319 Cr.P.C., they were summoned to stand trial along with their co-accused under Sections 420/120-B IPC. However, on the basis of some reports made by the process serving agency/ police, they were declared proclaimed offender. It was only

subsequent thereto, having got knowledge about their issuance of warrants of arrest, they moved to this Court. No doubt, on the basis of a sale deed, they are beneficiaries but they were not present at the time of execution of the sale deed rather their father who is Mr. Ashok Kumar appeared. Moreover, process under Section 319 Cr.P.C has been issued just to secure their presence during trial and both the petitioners undertook to join proceedings and to cooperate with the trial. Since the petitioners have been summoned under Section 319 Cr.P.C and trial is already on progress, they are not required for custodial interrogation. Taken into consideration the fact that the petitioners are unmarried college students and further that they are not required for custodial interrogation, instant petition is disposed of with a direction of the petitioners to surrender before the trial Court within a period of ten days from the date of receipt of certified copy of this order and move an application for bail who shall be released on bail by the trial Court at its satisfaction on furnishing the requisite personal/ surety bonds.

Disposed of.

December 17, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No