

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

Criminal Misc. No.M- 23338 of 2017(O&M)

Date of Decision: July 17 , 2017.

Gurmeet Kaur PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tarun Singla, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, 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?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.86 dated 04.05.2017 under Sections 452/354B/323/506 and 34 IPC registered at Police Station Kotwali, District Bathinda.

It is submitted that the learned trial court after taking into consideration the entire facts and circumstances of the case afforded the benefit of anticipatory bail to the petitioner vide order dated 25.05.2017. However, a condition was imposed upon the petitioner that she shall get the recovery of the alleged weapon i.e. 'Daang' (stick) effected within ten days failing which the order in question would cease to exist in her favour. The petitioner, it is

submitted, is a 65 year old woman. She has been falsely implicated in the abovesaid FIR as a counter-blast to the statement recorded at the instance of petitioner's son. The said statement of the petitioner's son Lakhwinder Singh was recorded against the complainant in the present case and other accused. Learned counsel for the petitioner relies on decisions of this Court in Bhupinder Singh etc. v. State of Punjab, 2014(2) RCR(Crl.) 109 and Sangeeta v. State of Haryana and another, 2016(4) Law Herald 2899. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties and have gone through the file.

It is not in dispute that the petitioner joined investigation pursuant to interim order as well as the impugned order passed by the learned Additional Sessions Judge, Bathinda. It is noted in the impugned order that the petitioner joined investigation and she is not required for custodial interrogation etc. Therefore, the learned Additional Sessions Judge, Bathinda proceeded to allow the petition but while directing the petitioner to comply with the provisions of Section 438(2) Cr.P.C. ordered that the petitioner would ensure the recovery of the dang (stick) within ten days, failing which the order of anticipatory bail would not enure. Such a condition/rider is clearly unjustified and uncalled for in the facts and circumstances of the case.

It is yet again verified by learned counsel for the State, on instructions from ASI Rajeev Kumar, that the petitioner joined investigation. There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, this petition is allowed. The petitioner shall join investigation as and when directed by the Investigating Agency and fully cooperate in the investigation of this case. In the event of her arrest, the petitioner shall be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.PC.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

July 17 , 2017.
'om'

(**LISA GILL**)
JUDGE

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