

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

CRM-M No.1459 of 2018

DATE OF DECISION :- March 23, 2018

Sunita and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. S.S. Goraya, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Tarunvir Singh Lehal, Advocate has appeared on behalf of the complainant by filing vakalatnama, which be taken on record.

This application for pre arrest bail has been filed by petitioners Sunita, Sonia and Bevi. all of them being accused in F.I.R. No. 134 dated 31.8.2017 under Sections 452, 323, 324, 506, 148, 149 IPC with Section 326 IPC added later on registered with Police Station City Batala, District Gurdaspur.

F.I.R. in this case was registered at the instance of Marry, who stated that on 26.8.2017 at about 4.00 p.m., when she was present at the house of Seema, Manga armed with a Datar and the remaining all with empty handed threatened Seema asking her to withdraw the case filed against them and when Marry tried to intervene, then Manga gave a Datar blow to her hitting her on left arm, then Bitu caught hold of her throwing her on the ground. Thereafter, Sunita, Nirmal, Sonia and Bevi gave kick and fist blows to the complainant while she was lying on the ground. Thereafter, the assailants left the spot along

with their respective weapons.

On recording of formal F.I.R. apprehending their arrest, such petitioners had approached the Court of Sessions by way of filing the petition for pre arrest bail which was assigned to Additional Sessions Judge, Gurdaspur. That petition was dismissed vide order dated 20.12.2017, as such they have now knocked at the door of this Court craving for grant of similar relief, which is being opposed by the State counsel as well as counsel for the complainant.

I have heard learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through the record.

As per allegations in the F.I.R., all the petitioners were empty handed and only kick and fist blows have been attributed to them. They have since joined the investigation in terms of the directions issued to them vide last order and then admitted to interim bail. No recovery is to be effected from them. In that way their custodial interrogation is not found to be necessary.

Under such circumstances, the interim bail granted to the petitioners on 16.1.2018 is made absolute, subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

March 23, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No