

Sr. No.213

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

CRM No. M-3625 of 2018 (O&M)

Date of Decision: 28.02.2018

Amarjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.S.Sidhu, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.84 dated 19.06.2017, under Sections 302/34 of IPC and Sections 27/54/59 of Arms Act, registered at Police Station Dialpura, District Bathinda.

While issuing notice of motion, the following order was passed by this Court on 30.01.2018:-

“Instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.84 dated 19.06.2017, under Sections 302/34 of IPC and Sections 27/54/59 of Arms Act, registered at Police Station Dialpura, District Bathinda.

Counsel would submit that during the course of investigation, petitioner had been found to

be innocent and as such was not challaned. Subsequently, application under Section 319 Cr.P.C. having been partly allowed vide order dated 05.12.2017 passed by the learned Additional Sessions Judge, Bathinda the present petitioner has been summoned to face trial as an additional accused under Section 302 IPC read with Section 109 and 114 of IPC.

Counsel would submit that deceased in the present case is Karamjit Kaur i.e. sister of complainant Jagsir Singh. Present petitioner is the mother-in-law of the deceased. Counsel has even adverted to the testimony of the complainant recorded before the trial Court as PW-1 and as per which the direct attribution of having fired a shot which resulted in the death of Karamjit Kaur is to Gursewak Singh. Insofar as the present petitioner is concerned the role is of having exhorted her own son Gursewak Singh in not permitting Jagsir Singh and Karamjit Kaur to leave the house and having created circumstances leading to Gursewak Singh firing at the deceased.

Counsel submits that having been summoned as an additional accused, petitioner is ready and willing to join trial proceedings and against the role attributed to her, her custodial interrogation would not be warranted.

Notice of motion, returnable for 28.02.2018.

In the meanwhile, it is directed that in case the petitioner duly appears before the trial Court

within a period of one week from today, she would be entitled to interim bail subject to satisfaction of the trial Court.”

During the course of hearing today, it has gone uncontroverted that the petitioner has duly appeared before the trial Court on 03.02.2018 and has been admitted to interim bail upon having furnished requisite bail bonds/surety bonds.

In the light of observations made by this Court in the notice of motion order and coupled with the fact that the petitioner has already joined trial proceedings, prayer made in the instant petition is accepted.

Order dated 30.01.2018, passed by this Court is made absolute.

Disposed of.

28.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No