

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

CRM-M-43313-2018

Date of Decision: 20.12.2018

Gurdev Kaur and others

....Petitioners

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. Yaseen Sethi, Advocate
for Mr. H.S. Jakhal, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(ORAL)

On 04.10.2018 the following order was passed:-

“Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail in the cross version recorded vide DDR No. 34 dated 13.06.2018 under Sections 323, 324, 148, 149 (Sections 326, 325 IPC were added later on) in case FIR No. 44 dated 12.06.2018, registered under Sections 302, 34 of the IPC at Police Station Nurmehal District Jalandhar.

At this stage, learned counsel for complainant-Satinder Kaur has put in appearance on her own through Mr. Harpreet Singh Jakhal, Advocate, though she is not impleaded as party and filed Memo of appearance, which is taken on record. The same be tagged at appropriate place.

According to the prosecution, in the day time of 12.06.2018, the petitioner along with co-accused caused injuries to complainant-Satinder Kaur and her father, namely Sucha Singh, co-accused Jaspreet @ Jassi also tore her shirt and also touched her breast, Tarlochan Singh gave a gandassi blow at the back side of her head with intention to kill her. Petitioner No. 2 gave punch blow on her nose. Petitioner No. 4 raised lakara. Petitioners No.1 and 3 were simply accompanying their co-accused.

Learned counsel for the petitioners, inter alia, contends that petitioners have falsely been implicated in the cross version lodged by accused-complainant party. In fact, the

complainant party after murdering the father of petitioner No. 3 lodged the above false DDR as a counter blast with intention to hide their crime. No injury is attributed to the petitioners. On the other hand learned counsel for complainant vehemently opposed the prayer of the petitioners to grant anticipatory bail by submitting that co-accused of the petitioners have caused grievous injuries to the complainant falling under Sections 326 & 325 of the IPC. Petitioners have actively participated in causing injuries to the complainant there by attracting the provisions of Sections 148/149 IPC.

Notice of motion for 20.12.2018.

In the meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Harnek Singh, states that the petitioners have joined the investigation and are no more required for custodial interrogation.

In this view of the matter the order dated 04.10.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

20.12.2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No