

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

**CRM-M-45458-2017
Date of decision: 27.11.2018**

Harbans Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. P. S. Duggal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 188 dated 02.10.2017, under Sections 302, 201 and 34 of the IPC, registered at Police Station Sadar Jalalabad, District Fazilka.

The operative part of the order dated 05.12.2017, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner submits that the petitioner is an old widow lady, aged about 70 years and has been falsely implicated in this case on the basis of the second supplementary statement dated 08.10.2017. Counsel for the petitioner further submits that when the FIR was registered, the complainant has given names of few persons, who have allegedly committed a theft from her house and has further raised a suspicion over one Makhan Singh resident of village Dhandi Kadeem. Later on, 08.10.2017, a supplementary statement was recorded by the police in which another set of co-accused persons i.e. one Nihal Singh, Sarpanch, petitioner- Harbans Kaur, Shinder Singh and Amarjit Singh were named with the allegations that she has come to know that in the night when Joginder Singh was found died, he has gone with Sarpanch Nihal Singh to Jalalabad. Counsel for the petitioner further submits that there is no specific allegation against the petitioner in this statement and no motive was

attributed to her. It is further submitted that vide Rapat Roznamcha No.48, dated 12.10.2017, recorded by Om Parkash Inspector/SHO, another statement of the complainant-Parveen Rani was recorded, in which, she has given yet another version that Jarnail Singh, R/o Bagge Ke Hithar, has murdered her husband. Learned State counsel, on instructions from ASI Laljeet Singh, seeks some time to verify the DDR from the record of police station. Considering the fact that the complainant has changed her version more than once and even in the statement dated 08.10.2017, no specific allegation or motive is attributed to the petitioner, who is an old widow lady, aged about 70 years; she is directed to join the investigation and in the event of arrest, she shall be released on bail subject to the conditions as envisaged under Section 438(2) Cr.P.C. List again on 23.1.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 05.12.2017, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 05.12.2017, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 27, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No