

**CRM-M-48162-2018 and  
CRM-M-49331-2018**

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

**Date of Decision: 15.11.2018**

**1. CRM-M-48162-2018**

Arpana Sharma and another

... Petitioners

Versus

State of Punjab

... Respondent

**2. CRM-M-49331-2018**

Shiv Kumar and another

... Petitioners

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Rajesh K. Dadwal, Advocate,  
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

**INDERJIT SINGH, J. (Oral)**

This order shall dispose of CRM-M-48162-2018, filed by petitioners-Arpana Sharma and Anjana Kumari and CRM-M-49331-2018, filed by petitioners-Shiv Kumar and Bharat Bhushan have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity,

**CRM-M-48162-2018 and  
CRM-M-49331-2018**

registered at Police Station Model Town Hoshiarpur, District Hoshiarpur, under Sections 307, 452, 323, 148 and 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and gone through the record.

From the record, I find that petitioners-Arpana Sharma and Anjana Kumar are stated to be empty-handed. As per the prosecution version, co-accused, Jasbir Singh @ Kaka had fired from his pistol, but there is no fire-arm injury in the present case. As per the MLR, there is no injury having external marks.

In pursuance of the interim orders dated 31.10.2018 passed in CRM-M-48162-2018 and dated 05.11.2018 passed in CRM-M-49331-2018 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in these petitions and the same are allowed. The orders dated 31.10.2018 passed in CRM-M-48162-2018 and dated 05.11.2018 passed in CRM-M-49331-2018,

**CRM-M-48162-2018 and  
CRM-M-49331-2018**

petitioners shall join the investigation as and when called upon to do so and  
shall abide by the conditions of Section 438 (2) Cr.P.C.

**15.11.2018**  
parveen kumar

**(INDERJIT SINGH)  
JUDGE**

|              |                           |   |     |
|--------------|---------------------------|---|-----|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes |
|              | Whether reportable        | : | No  |