

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

**CRM-M No.38932 of 2018 (O&M)
Date of Decision: 25.02.2019**

Nachattar Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kushagra Mahajan, Advocate for
Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.256 dated 19.08.2018, under Sections 307, 34 of the Indian Penal Code, 1860 (Section 302, IPC added later on), registered at Police Station Sidhwan Bet, District Ludhiana Rural.

This Court, on 11.09.2018, passed the following order:-

“ *Adjourned to 04.12.2018.*

Meanwhile, in the event of arrest of the petitioner, she shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. ”

Thereafter, on 30.11.2018, this Court passed the following order:-

“ *Prayer in this application filed under Section 482 Cr.PC is to incorporate the offence under Section 302 IPC in the head note as well as prayer clause of the petition.*

Learned counsel for the applicant-petitioner states that initially the FIR in question was registered under Section

307 read with Section 34 IPC, but later on the injured succumbed to his injuries and ultimately, the offence under Section 302 IPC has been added.

For the reasons stated in the application, the same is allowed subject to all just exceptions and the Registry is directed to incorporate Section 302 IPC in the head note as well as prayer clause of the petition.

Accordingly, the applicant-petitioner is granted interim bail qua the offence under Section 302 IPC as well in terms of order dated September 11, 2018 passed by this Court. ”

It is contended by learned Counsel for the petitioner that in pursuance of the above orders, petitioner has joined the investigation and her custodial interrogation is no longer required.

Learned State Counsel, on instructions from ASI Kulwinder Singh, has stated that petitioner is 80 years old female and she has joined the investigation and her custodial interrogation is not required.

In view of above, interim orders dated 11.09.2018 and 30.11.2018 are made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

February 25, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>