IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.48170 of 2018
Decided on: 05.04.2019

Jyoti

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Gurna, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Yashpal Thakur, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.152 dated 20.08.2018 registered under Sections 316 and 323 IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

The operative part of the order dated 05.02.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

> ***"....****Counsel for the petitioner has submitted that the petitioner Jyoti's date of birth is 01.09.2001 as per the School Leaving Certificate (Annexure P1) and she was a juvenile on the date of incident. It is further submitted that as per the allegations in the FIR, the complainant Preeti, when came out of her house found that her 05 year old son was fighting with another child namely Lakhan. Thereafter, the mother of the petitioner and the co-accused – Neelam also came there and raised a lalkara that the*

MOHD YAKUB
2019.04.05 16:54
I attest to the accuracy and
integrity of this document

complainant be taught a lesson and in that process, the petitioner caught hold of her i.e. the complainant, from her hair and she fell on the ground and thereafter, the co-accused – Neelam gave kick blows in her abdomen and another co-accused Akshay hit on her head with a brick bat. It is further argued that later on in the investigation, Akshay was found innocent and mother of the petitioner Jyoti, who is attributed kick blows in the abdomen of the complainant – Preeti, was arrested on 29.09.2018. It is also submitted that even as per the allegations in the FIR, the child namely Lakhan do not belong to the family of the petitioner.

Counsel for the State, on instructions from ASI Dharampal Singh, has submitted that the petitioner be directed to join the investigation to verify the fact of her date of birth as well as the relationship of the petitioner with the child namely Lakhan.

On the other hand, counsel for the complainant has opposed the prayer for bail on the ground that the anticipatory bail of the co-accused namely Akshay was dismissed as withdrawn, however, the fact remains that Neelam (co-accused) to whom kick blows are attributed in the abdomen of the complainant, is in judicial custody.

Without commenting anything on merits of the case, considering the aforesaid facts, the petitioner is directed to appear before the Investigating Officer on or before 15.02.2019 at 10:00 am or on any other date or time fixed by him, to join investigation. The petitioner shall produce the original certificates showing her date of birth and she shall be released on interim bail subject to the following conditions:-

1. *She shall make herself available for interrogation by a police officer as and when required;*
2. *She shall not directly or indirectly make any*

MOHD YAKUB
2019.04.05 16:54
I attest to the accuracy and
integrity of this document

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. *She shall not leave India without previous permission of the Court.*

*List again on 05.04.2019****....”***

Counsel for the petitioner has submitted that, in pursuance to the order dated 05.02.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Dharampal, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 05.02.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2019
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

MOHD YAKUB
2019.04.05 16:54
I attest to the accuracy and
integrity of this document