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

CRM-M-29276 of 2019

Date of decision: September 12, 2019

Trivani Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.119 dated 09.06.2019, under Sections 323, 324, 334, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Section 308 IPC added later on), registered at Police Station Rama Mandi, District Jalandhar, Punjab.

As per prosecution case, petitioner along with her husband abused the complainant and gave a bat blow on his head, due to which, blood started oozing out.

On 12.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that as a matter of fact, it is the complainant who is the aggressor as he caused injury to the husband of the petitioner and a reference is made to Medico-Legal report (P-3). Also contends that complainant is working as a Deputy Superintendent of Police in Punjab Police and posted at Jalandhar.

Notice of motion returnable on 12.09.2019.

In the meanwhile, petitioner is directed to join investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on her furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

At this stage, Mr. Rahul Sharma, Advocate appears, files vakalatnama on behalf of the complainant and the same is taken on record.”

Learned State counsel, on instructions from Assistant Sub Inspector Narain Gaur, has stated that in terms of order dated 12.07.2019, the petitioner has joined investigation and her custodial interrogation is not required.

In view of the above, order dated 12.07.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

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

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

(MAHABIR SINGH SINDHU)
JUDGE

September 12, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No