

Kulwinder Kaur and others**... Petitioners****v/s****State of Punjab****... Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**Present: Mr. H.S.Batth, Advocate
for the petitioners.Mr. Ramdeep Partap Singh, DAG Punjab assisted by
ASI Naib Singh.

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MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 38 dated 30.06.2019, under Sections 353, 186, 332, 224, 225, 148, 149 IPC registered at Police Station Kacha Pacca, District Tarn Taran. The petitioners apprehend their arrest at the hands of Police.

The FIR was registered on the complaint made by ASI Dalbir Singh who stated that he as an Investigating Officer along with HC Rajpal Singh and Constable Kuldeep Singh went to arrest two accused for executing the arrest warrant of the Court at about 7.30 p.m. When the police party moved ahead to arrest Sukhchain Singh @ Chaina, the petitioners scuffled with him alongwith colleagues and neighbours and torn both the shoulder strips of his Uniform by pulling it and the ladies gave biting on the hands of Constable Kuldeep Singh and created obstructions in performing the duties of the Police party and helped Sukhchain Singh @ Chaina to

escape from the custody of the police.

Learned counsel for the petitioners contends that the police officers were four in number who could not arrest accused Sukhchain Singh @ Chaina and to save their own skin they have falsely implicated the family members of the accused. According to him, the alleged raid was conducted on 30.6.2019 as the warrants were issued by the Court of Additional Sessions Judge, Tarn Taran for 01.07.2019. He submits that petitioners No. 1 and 2 are wife and married daughter of Sukhchain Singh @ Chaina respectively. According to him, other two persons are residents of different village. He submits that in the given facts, custodial interrogation of the petitioners may not be required.

On the other hand, learned State counsel assisted by ASI Naib Singh submits that the petitioners were successful in their attempt and the accused managed to escape. However, it is not disputed that none of the officers had suffered any injury.

At this stage, learned counsel for the petitioners submits that even if it is assumed that the family members opposed the arrest, it would straightway not amount to the commission of alleged offence, particularly when no injury is suffered by any one.

In view of the above, the petition is allowed and the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

The above order shall not be construed as an expression of opinion on the merits of the case.

September 17, 2019

Janki

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No