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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61898-2018
Date of decision-20.05.2019

Surjit Kaur and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab assisted by
ASI Kulwinder.

Mr. S.K.Choudhary, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.71 dated 01.12.2018 under Sections 452, 324, 323 and 148 read with Section 149 of Indian Penal Code (Section 326 IPC added later on) registered at Police Station Purana Shalla, District Gurdaspur. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 21.12.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Heard.

As per the allegations in the FIR levelled by Rajinder Singh complainant, on account of domestic dispute, he was attacked by his wife and by his relation Robin Singh @ Baba who was carrying sota. Only the lalkara is attributed to his wife and sota blow is attributed to Robin Singh.

Notice of motion for 31.1.2019.

On the asking of the Court, Mr. Karanbir Singh, AAG, Punjab present in Court, accepts notice and seeks time to get instructions.

A copy of the complete paperbook be handed over to learned State counsel during the course of the day.

In the meanwhile, the petitioner is directed to join the investigation and disclose all the facts to the police. In the event of his arrest, he will be released on interim bail to the satisfaction of the Arresting Officer, subject to the compliance of the conditions contained under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer. Learned counsel for the petitioner placed reliance upon the compromise arrived at between the parties.

Learned State counsel who is assisted by ASI Kulwinder does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Kulwinder further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 21.12.2018 is made absolute.
However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

20.05.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No