

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

202

CRM-M-12048-2020

Date of decision: 16.07.2020

Sant Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed this petition (first) under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.23 dated 14.03.2020 registered under Sections 323, 324, 326, 427, 148 and 149 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Subahnpur, District Kapurthala.

While issuing notice of motion on 08.05.2020, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner, who is aged 70 years, has been falsely implicated in the case.

There is undue and unexplained delay in lodging of the FIR. The petitioner is alleged to have inflicted injury on the waist of Veer Kaur with brick bat. Grievous injury on the person of complainant-Gurdev Singh caused with sharp edged weapon is attributed to the co-accused. The petitioner has joined the investigation. Nothing is to be recovered from her and her custodial interrogation is not required.

Learned State counsel, on instructions from SI Gurjaswant Singh, has acknowledged that in compliance with order dated 08.05.2020 passed by this Court, the petitioner has joined the investigation and submitted that her custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 08.05.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

16.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No