

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-17867-2020(O&M)

Date of decision: 11.08.2020

**Rekha and another**

**.....Petitioners**

Versus

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr.Gagandeep Singh Simble, Advocate for the petitioners  
Mr. V.G.Jauhar, Sr. DAG, Punjab

**ANIL KSHETARPAL, J. (ORAL)**

On 8.7.2020, the following order was passed by this Court:-

“The petitioners pray for grant of pre-arrest bail in a criminal case arising from FIR No.36 dated 1.6.2020 registered under Section 452, 323, 324, 148, 149 IPC and Section 326 IPC added later on at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Gurdaspur in para 7, which is extracted as under:-

“7. As per prosecution version, complainant Amandeep Singh stated to the police that on 27.05.2020 the time will be about 10.00 P.M. (Night) Kulwant Singh came to his

house where he (complainant) alongwith his family were talking with each other and Rekha wife of Happy @ Harpreet Singh resident of village Taruwali entered the haveli and raised a lalkara by saying that Kulwant Singh be caught hold who raised the objection of stealing the vegetables upon them. In the meantime, Kulwant Singh ran away and Happy @ Harpreet Singh gave him datar blow which hit him at his left shoulder. Sarwan Masih son of Mohinder Masih gave him Sota blow which hit him at his right arm. 5 Then Fuman Masih resident of village Deol who is father of Rekha also gave him blow. After that one maruti car in which 4/ 5 persons were sitting came there who also caused him injuries with their dangs and sotas. He raised alarm of Mar Ditta Mar Ditta and all the assailants fled away from the spot alongwith their respective weapons. As per MLR No. GS.33/20, CH the doctor opined that total 11 injuries have been shown out of which injury no.9 is sharp and injury no. 1 and 3 are under x-ray examination and injury nos. 1, 2, 4, 5, 6, 7, 8, 9, 10,11 are simple in nature and the offence committed by the accused/applicant

and others falls under sections 452, 323, 324, 148, 149 IPC”

Learned counsel for the petitioner contends that the learned Additional Sessions Judge had granted interim protection to the petitioners while directing them to join investigation. He submits that the petitioners could not join the investigation due to prevailing circumstances on account of spread of COVID-19 pandemic.

Notice of motion.

On the request of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 11.8.2020.

Keeping in view the facts of the case, this Court is of the considered view that let the petitioners join investigation.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from SI Amardeep

Singh has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 8.7.2020 is hereby made absolute.

Petition stands allowed.

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|---------------------------|-------------------|
| 11.08.2020                | (ANIL KSHETARPAL) |
| rekha                     | JUDGE             |
| Whether speaking/reasoned | Yes / No          |
| Whether Reportable        | Yes / No          |