

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

CRM-M-21410-2020

Date of decision: 16.12.2020

Amarjit Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Baljinder Singh, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, AAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.34 dated 07.03.2020 under Sections 304-B & 34 of IPC, registered at Police Station Dirba, District Sangrur. She apprehended her arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.11.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Hearing of the case was held through video conference on account of restricted functioning of the Courts.

The petitioner prays for bail pending trial in a criminal case arising from FIR No.34, dated 07.03.2020, registered under Section 304- B/34 IPC, at Police Station Dirba, District Sangrur.

A young married women has lost her life on 06.03.2020 i.e. within one year of the marriage.

As per the post-mortem report, fallopian tube of the deceased had burst and no sign of any external or internal injury was noticed. No doubt, while giving opinion, the doctor did use one phrase that “the trauma could be due to application of blunt force”, however, there is no definite medical opinion.

Keeping in view the aforesaid facts, let the petitioner join investigation.

Notice of motion for 16.12.2020.

On the request of this Court, Mr. Luvinder Sofat, Assistant Advocate General, Punjab, accepts notice on behalf of the State.

Mr. Paras Jagga, Advocate, has put in appearance for the first informant.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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 counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned State counsel, on instructions from ASI Sat Parkash, further states that she is 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 05.11.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

16.12.2020

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes
No