

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

205

**CRM-M-27459-2020
Date of decision : 10.11.2020**

Jaswant Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kehar Singh Hissowal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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 the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.99 dated 20.07.2020 registered under Section 304 read with Section 34 of the Indian Penal Code, 1860 at Police Station Jaito, District Faridkot.

While issuing notice of motion on 11.09.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the order reads as under:-

“Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The deceased was arrested by the police on 09.07.2016 in NDPS case FIR No.71 dated 09.07.2016 and died while in judicial custody on 14.07.2016. Judicial Magistrate 1st Class, Faridkot reported the death to be unnatural. Inquires were thereafter conducted. The petitioner is alleged to have caused internal injuries to the deceased with her paramour-Kuldeep Singh on the morning of 09.07.2016. Present FIR was registered with undue and unexplained delay of more than 4 years. The petitioner is ready to join investigation and her custodial interrogation is not required for effecting any recovery.

Notice of motion.

Pursuant to supply of advance copy of the petition,

Mr. Sukhbeer Singh, Asstt. A.G. Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 10.11.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of her arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which she shall not be entitled to the protection of interim bail allowed to her.”

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has reiterated the submissions made earlier and stated that in compliance with order dated 11.09.2020, the petitioner has joined the investigation.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Daljit Singh, acknowledged that in compliance with order dated 11.09.2020 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 11.09.2020 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.

10.11.2020

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(ARUN KUMAR TYAGI)
JUDGE

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