

215-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 31433 of 2020 (O&M)
Decided on: 26.11.2020

Shashi Bala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. P.S. Brar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.107 dated 29.05.2020, registered under Sections 323, 452, 342, 506, 148, 149 IPC (Sections 304, 325, 442 IPC added later) at Police Station Dharmkot, District Moga.

The operative part of the order dated 07.10.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Inter alia submits that the petitioner was allegedly armed with a 'dang' and is attributed simple injuries to a witness Jaswinder Singh and not to the deceased. Further, from the opinion endorsed on application dated 24.07.2020 (Annexure P-8), it is evident that the death was caused after three days of the incident and due to heart failure. The petitioner is willing to get

CASE HEARD THROUGH VIDEO CONFERENCING

recovered the 'dang' of which she was in possession.

Notice of motion.

Mr. Ajay Pal Singh Gill, DAG, Punjab accepts notice and waives service.

At this stage, Mr. Paramjit Singh Brar, Advocate puts in appearance on behalf of the complainant and argues that the FIR shows that all the accused had a common intention.

Assuming that the accused had a common intention, the same was not to cause death or to commit culpable homicide not amounting to murder. The injuries caused in the incident are simple in nature and the death has occurred due to cognitive heart failure. Thus, common intention would not make much of difference.

However, learned counsel for the complainant is at liberty to file a reply, in case, he so desires.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 16.10.2020 at 10.00 a.m. and cooperate therewith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to her compliance of the conditions enshrined under Section 438(2) Cr.P.C.

Adjourned to 26.11.2020....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 07.10.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from the Investigating Officer and assisted by counsel for the complainant, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the

CASE HEARD THROUGH VIDEO CONFERENCING

interim bail granted to the petitioner vide order dated 07.10.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

**(ARVIND SINGH SANGWAN)
JUDGE**

26.11.2020

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No