

CRM-M-38709-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38709-2020

Date of decision:22.12.2020

Neelam

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 191 dated 02.10.2020 under Sections 354, 323, 34 IPC registered at Police Station City Gurdaspur, District Gurdaspur.

This Court, on 24.11.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 191 dated 02.10.2020 under Sections 354, 323, 34 IPC registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner is the sister-in-law of complainant Parminder @ Pindu. The petitioner, complainant and other family members i.e. Ashwani Kumar, his wife Sneha @ Rajinder Kumari @ Rajwinder Kumari and others are residing under one roof. He further submits that the allegation against the petitioner is that she has given a rolling pin (*belan*) blow to the complainant, however, the complainant has not specified the injury on her person.

Learned counsel for the petitioner further submits that co-accused Ashwani Kumar and his wife, namely Sanaha @ Rajinder Kumari @ Rajwinder Kumari, have already been

CRM-M-38709-2020

granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 30.10.2020. Learned counsel further submits that there is a delay of 05 days in lodging the present FIR as the occurrence took place on 27.9.2020 whereas the FIR in question has been got registered on 02.10.2020.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the State.

Adjourned to 22.12.2020.

Meanwhile, petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner submits that pursuant to the order dated 24.11.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Amanpreet Kaur, submits that the petitioner has joined the investigation and is now not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 24.11.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

22.12.2020
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No