

CRM-M-2049-2021 (O&M)

Date of Decision : 20.08.2021

SUKHWINDER KAUR AND ANOTHER

...Petitioners

versus

STATE OF PUNJAB

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms.Ritu Punj , Advocate for the petitioners.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab.

Ms. Harpreet Kaur, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioners in case FIR No. 104 dated 13.11.2020 registered under Sections 302, 307, 452, 427, 506, 148 and 149 IPC at Police Station Jodhan, District Ludhiana.
3. On 03.03.2021, the following order was passed:-

- 1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.*
- 2. Prayer in the application under Section 482 Cr.P.C. is for staying arrest of the petitioners during the pendency of the petition for pre-arrest bail in case FIR No. 104 dated 13.11.2020 registered under Sections 302, 307, 452, 427, 506, 148 and 149 IPC to which Section 120-B IPC was added later on at Police Station Jodhan, District Ludhiana.*

3. *Learned counsel for the petitioners contends that four days after registration of the FIR, the complainant made a supplementary statement naming the petitioners as well as husband of petitioner No.1 (i.e. Jagtar Singh) due to which Jagtar Singh was arrested on 19.11.2020 and that while as per the FIR, persons involved in the crime had assembled in the house of Hari Singh but the supplementary statement gives a different version of the assembly of the accused which makes the supplementary statement doubtful.*

Learned counsel further contends that on 15.01.2021, the petitioners had made a specific statement that as evident from the CCTV camera footage they were not present at the place of incident at the time of incident whereas the learned State counsel had made a categorical statement otherwise but reply dated 20.01.2021 did not corroborate statement of learned State counsel dated 15.01.2021.

4. *Notice of the application.*

5. *Learned State Counsel, accepts notice and states that as per the supplementary statement of the complainant dated 17.11.2020 attached along with short reply by way of affidavit dated 13.02.2021, the petitioners and husband of petitioner No.1 i.e. Jagtar Singh gathered at the house of Jagtar Singh and due to dispute between the complainant and Jagtar Singh (i.e. husband of petitioner No.1), the petitioners and Jagtar Singh exhorted the assailants to mercilessly beat Chamkaur Singh as a result of which, he succumbed to injuries inflicted.*

6. *Learned counsel for the petitioners contends that the FIR mentions assembly of the assailants at the house of Hari Singh whereas as per the supplementary statement, it mentions the place of assembly of the assailants at the house of Jagtar Singh, therefore, the supplementary statement is doubtful especially in view of the same having been made after four days of registration of the FIR. Secondly, learned counsel contends that although learned State counsel had categorically stated on 15.01.2021, that as per CCTV camera*

footage, the petitioners were present at the place of incident at the time of commission of offence, but the same was incorrect and not borne out from the reply filed by the State.

7. Learned State Counsel does not dispute that presence of the petitioners at the place of incident at the time of commission of offence is not evident from the CCTV camera footage and submits that presence of the petitioners at the place of incident at the time of incident was inadvertently stated by learned State counsel on 15.01.2021.

8. Learned counsel for the petitioners further states that apparently petitioner No.1 and her father-in-law (i.e. petitioner No.2) have been implicated simply to rope in all family members, therefore, the petitioners are entitled to grant of pre-arrest bail.

9. Learned State counsel requests for more time to file additional affidavit.

10. Adjourned to 09.03.2021.

11. In the meantime, the petitioners are directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioners be released on ad-interim pre-arrest bail, subject to their furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioners shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to them shall stand vacated.”

4. Today, learned counsel for the petitioners contends while learned State counsel on instructions from *SI Jaswinder Singh* confirms that pursuant to the order of this Court dated 03.03.2021, the petitioners joined investigation, fully cooperated with the police, were released on ad interim pre arrest bail and that their custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 03.03.2021, passed by this Court, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However,

nothing stated hereinabove shall be read as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

20.08.2021
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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>