

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15774-2021

Date of Decision: 31.08.2021.

Mahinder Kaur and Ors

...Petitioners

vs.

State of Punjab

...Respondent

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

Present: Mr.Nirmaljeet Singh Sidhu, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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 petitioner in case GDR No. 31 dated 12.02.2021 registered under Sections 341, 347, 325, 323, 506, 148 and 149 and GDR No.28 dated 9.03.2021 further enhanced under Section 379-B at Police Station Balianwali, District Bathinda (arising out of FIR No.15 dated 11.02.2021, under Sections 307,324, 323 and 34 of the IPC and Sections 25/27 of the Arms Act 1959 at Police Station Balianwali, District Bathinda.

3. On 09.04.2021, the following order was passed:-

“Learned counsel contends that the petitioners have been implicated in a false case simply to rope-in all family members whereas it was the complainant party which attacked the petitioners’ menfolk i.e. Gurpiar Singh, Gurmeet Singh, Gurpreet Singh and Kulwinder Singh and inflicted gun-shot wound on the left thigh of Kulwinder Singh, that the petitioners are merely alleged to be carrying sticks and only a stick blow on the left shoulder of the complainant is attributed to petitioner No.2, that pre-arrest bail petition i.e. CRM-M No.14095 of 2021

titled as Avtar Singh v. State of Punjab filed by the complainant party was dismissed as withdrawn on 08.04.2021, that the petitioners are simple village housewives and do not have any other criminal case registered against them, besides are ready and willing to join investigation and fully co-operate in the same.

Notice of motion.

Mr. Hittan Nehra, learned Addl. A.G., Punjab accepts notice and requests for time to file reply.

Adjourned to 11.05.2021.

In the meantime, the petitioners are directed to join investigation and fully cooperate with the police. However, in the event of their arrest, the petitioners be released on ad-interim pre-arrest bail subject to their furnishing bail 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 the petitioners, shall stand vacated.”

4. Today, learned counsel for the petitioners contends while learned State counsel on instructions from *ASI Kewal Singh* confirms that pursuant to the order of this Court dated 09.04.2021, 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 09.04.2021, passed by this Court, is made absolute. The petitioners shall abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

31.08.2021

manju

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