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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19108-2020 (O&M)
Date of Decision: 09.12.2021

Nitu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amjad Khan, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Ashok Goel, Advocate for
Mr. Narinder S. Lucky, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.526 dated 04.12.2018, registered under Section 302 IPC, 1860 at Police Station City Barnala, District Barnala. The petitioner apprehended her arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.07.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner has submitted that initially the FIR regarding the death of her husband was lodged against unknown persons. The petitioner was nominated as an accused on 23.06.2020 even though, the death had taken place on 25.05.2018. His submission is that there is a six years old

daughter from the marriage and the custody of the daughter is also with the petitioner.

Notice of motion.

On the asking of the Court, Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab, who is available on conference call and assisted by Mr. Preetwinder Singh Dhaliwal, counsel appearing for the complainant, accepts notice on behalf of the respondent-State of Punjab.

List on 10.08.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Let status report be also filed on or before the next date of hearing.”

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Gurmail Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 17.07.2020 is made absolute.

09.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No