

CRM-M-31631-2021

Date of Decision: 25.10.2021

Sukhwinder Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.S. Rangi, Advocate,
for the petitioner.

Ms. Bhavna Gupta, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 06.08.2021, the following order had been passed by this
court (coordinate Bench):-

*“The case has been taken up for hearing
through video conferencing.*

*The petitioner has filed this petition under
Section 438 of the Code of Criminal Procedure, 1973
for grant of anticipatory bail in case FIR No.87 dated
02.05.2021 registered under Sections 323, 324, 341,
506 and 355 read with Section 34 of the Indian Penal
Code, 1860 (for short 'the IPC') at Police Station
Samrala, Police District Khanna, District Ludhiana to
which Sections 326, 295 and 325 of the IPC were
added lateron.*

*Learned Counsel for the petitioner has
submitted that the petitioner, who is maid servant of co-
accused Harkamaldeep Singh @ Neeta, has been
falsely implicated in the case. The petitioner did not*

participate in the commission of the alleged offences in any manner. In any case as per the allegations made in the FIR, the petitioner was armed with iron rod and injury attributed to the petitioner was declared to be simple. Injury caused with sharp edged weapon declared to be grievous is attributed to the co-accused Harkamaldeep Singh @ Neeta. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. AG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 25.10.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of her arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which she shall not be entitled to the protection of interim anticipatory bail allowed to her.”

Today, learned State counsel, on instructions from ASI Shamsher Singh, submits that though the petitioner has joined investigation, she has not got the iron rod alleged to have been used by her, recovered.

She has also submitted that, subsequently, the complainant had named the petitioner in the supplementary statement.

However, she also fairly submits that the injury alleged to have been attributed to her on the thumb of the complainant was found to be a simple injury.

That being so, with the petitioner not named in the FIR specifically; and looking at the aforesaid circumstances, without making any comment on the actual merits of the case, the petition is allowed and the order dated 06.08.2021 made absolute, on the same terms and conditions.

October 25, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.