

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-36160 of 2021
Date of Decision : 06.12.2021

Kulwant Kaur

....Petitioner

Versus

The State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dilsher Singh Jandiala, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 117, dated 29.07.2020, registered under Sections 353, 186, 427, 148, 149, 188, 269, 270 IPC, Section 3 of Epidemic Disease Act and Section 51 of Disaster Management Act, at Police Station Mehta.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 03.09.2021. Order dated 03.09.2021 is as under:-

“Present petition has been filed by a senior citizen lady seeking concession of anticipatory bail in respect of FIR No. 117, dated 29.07.2020, registered under Sections 353, 186, 427, 148, 149, 188, 269, 270 IPC, Section 3 of Epidemic Disease Act and Section 51 of Disaster Management Act, at Police Station Mehta.

Learned counsel for the petitioner argues that the

allegation alleged against the petitioner in the present case is that the police party was attacked and the uniform of one of the member of the police party, namely, ASI Udham Singh was torn during the said scuffle, which happended during the conducting of raid. Learned counsel for the petitioner submits that it is highly unimaginable that 62 years old lady can over power a team of police officials. Learned counsel for the petitioner further sumits that as nothing is to be recovered from the petitioner and petitioner is ready to join the investigation and no injury attributed to the petitioner has been inflicted upon raiding police party, petitioner may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that attacking of a raiding police party itself shows the conduct of the petitioner, hence, she is not entitled for the concession of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

There are no injuries attributed to the petitioner. The only allegation against her is of a scuffle and even the tearing of uniform of ASI Udham Singh, who was the member of the raiding party, has not been specifically attributed to the petitioner. As the petitioner, who is a senior citizen, has undertaken before this Court to join the investigation and cooperate, the purpose of investigation will be achieved in case petitioner is allowed to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation and co-operate with the same, she has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That she shall make himself available for interrogation by the police officer as and when required.*
- (ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the said facts to the Court or to any police officer.*
- (iii) That she shall not leave India without prior permission of the Court.*
- (iv) That she shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

Adjourned to 30.11.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed."

Learned State counsel on instructions from ASI Baldev Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 03.09.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when

called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 06, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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