

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(Proceedings through Video Conferencing)

CRM-M No.34013 of 2020

Date of Decision: 24.08.2021

Sundra @ Sarabjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner pray for grant of anticipatory bail in FIR No.45 dated 01.09.2020, registered under Sections 307, 34 IPC 1860 (with Section 302 IPC 1860 having been added later on) at Police Station Arif Ke, District Ferozepur.

The operative part of the order dated 27.10.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.45, dated 1.9.2020, having been registered at Police Station Arif Ke, District Ferozepur, alleging therein the commission of offences punishable under Sections 307/34 of the IPC (with Section 302 of the IPC having been added later on).

Learned counsel for the petitioner submits that only a single injury having been attributed on the deceased, by hitting his head against a wall, the petitioner being a woman cannot be attributed that injury.

He further submits that there is a delay in lodging of the FIR and in fact the deceased who was initially injured

was not taken to hospital for a long time.

Notice of motion.

Mr.Sidakmeet Sandhu, learned AAG, Punjab, accepts notice at the asking of the court.

He submits that as per his instructions, it was after the child who was allegedly slapped by the deceased, went back to his parents, i.e. the petitioner and her husband, they came and beat up the now deceased person and consequently it was a premeditated attack due to which the petitioner is not entitled to the concession of anticipatory bail.

Having considered the matter, though as regards the delay in lodging of the FIR etc. that would not entirely be in the hands of the complainant especially with an injured person on his hands, however looking at the fact that the petitioner is a lady and a single injury eventually is said to have led to the death of the deceased, without making any comment on the actual merits of the case, she is directed to join investigation within 5 days and upon her so joining if she is sought to be arrested, she shall be released on bail, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.”

Counsel for the petitioner has submitted that, in pursuance to the order dated 27.10.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Learned State counsel, on instructions from ASI Amarjit Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

It is also stated that the husband of the petitioner stands arrested.

Considering the fact that a period of about ten months have already elapsed and the petitioner has not misused the concession of bail,

this petition is allowed and the interim bail granted to the petitioner vide

order dated 27.10.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

24.08.2021
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No