

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.202

CRM-M-39862 of 2021

Date of Decision: 03.12.2021

REENA KUMARI AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manjinder Singh Saini, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(through video conferencing)

Harsimran Singh Sethi, J.(Oral)

The petitioners are seeking anticipatory bail in respect of DDR No.26 dated 17.06.2020 under Sections 324, 326, 295, 452, 148, 149 and 506 IPC registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 23.09.2021. Order dated 23.09.2021 is as under:-

“ Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of DDR No.26 dated 17.06.2020, registered under Sections 324, 326, 295, 452, 148, 149 and 506 IPC, at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioners argues that it is a case of version and cross-version and the present DDR was got registered after an FIR No.53 dated 11.05.2020, under Sections 324, 323, 452, 506 and 34 IPC and Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Chabbewal, District Hoshiarpur was

got registered by the petitioners against the complainant. Learned counsel for the petitioners further argues that the present cross-version case has been registered after a period of one month and even the allegations against the petitioners are that the simple injuries have been inflicted upon the mother and sister-in-law of the complainant. Learned counsel for the petitioners submits that for the weapon, if any, is to be recovered by the police, the petitioners will extend all kind of cooperation. Learned counsel for the petitioners further submits that the petitioners are ready to join the investigation and cooperate, therefore, they may kindly be granted the benefit of anticipatory bail.

Notice of motion for 03.12.2021.

Mr. Sandeep Singh, 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 though the injuries attributed to have been inflicted by the petitioners are simple in nature, but the weapon i.e. 'danda' is yet to be recovered from them, therefore, the custodial interrogation of the petitioners is necessary.

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

Once, it is a case of version and cross-version and the present DDR implicating the petitioners was got registered after a period of one month and concededly the injuries attributed to have been inflicted by the petitioners are simple in nature, the purpose of investigation will be achieved in case the petitioners are directed to join the investigation and cooperate.

Hence, the petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they 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 him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of

the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. ”

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

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 23.09.2021 granting interim bail to the petitioners is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They 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 cooperating, they will be at liberty to approach this Court for passing appropriate order.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

03.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No