

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

CRM-M-39886-2020 (O&M)

Date of decision: 18.01.2021

Kamaljit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. G.S. Jagpal, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 179 dated 2.11.2020 under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 IPC registered at Police Station Tibba, Ludhiana.

On 01.12.2020, this Court passed the following order :-

“Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 179 dated 2.11.2020 under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 IPC registered at Police Station Tibba, Ludhiana.

Learned counsel for the petitioner submits that the occurrence took place on 31.3.2019 whereas the FIR in question was registered on

02.11.2020 and there is no allegation regarding utterance of the derogatory remarks against the petitioner. He further submits that even in the supplementary statement of the complainant, she could not specifically disclose the name of the lady, out of the three, who had uttered the derogatory remarks. Learned counsel also submits that the petitioner and complainant are not known to each other and hence, there was no occasion for the petitioner to utter any derogatory remark against the complainant. Learned counsel further submits that while Attar Singh (brother-in-law of the petitioner) and daughter Gurleen Kaur were travelling in the car, they had been obstructed by the complainant party and in this regard, FIR No. 53 dated 2.4.2019 under Sections 323, 341 and 506 IPC stands registered against them.

Notice of motion.

On the asking of the Court, Mr. Venu Gopal Jauhar, Sr. DAG, Punjab accepts notice on behalf of the State. He submits that there are allegations against the petitioner regarding uttering of derogatory remarks.

In the present case, the parties are not known to each other and moreover, the complainant in her supplementary statement could not pinpoint the accused, who had uttered the derogatory remarks.

Keeping in view the above, the petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

Adjourned to 18.1.2021. ”.

Learned counsel for the petitioner states that pursuant to the order dated 01.12.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Baldev Raj, states that the petitioner has joined the investigation and her custodial interrogation is not required, but she is required for voice sample.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 01.12.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Learned counsel for the petitioner undertakes that the petitioner would appear before the investigating agency for giving her voice sample, as and when required.

(HARNARESH SINGH GILL)
JUDGE

18.01.2021
Mangal Singh

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