

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44927-2021
Date of Decision :22.12.2021

Maninder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Manjari Joshi, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

Mr. Anil Kumar Spehia, Advocate
for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.270, dated 03.10.2021, under Sections 323, 342, 506 read with Section 3(1) of the SC and ST (Prevention of Atrocities Act), 1989 registered at Police Station Phillaur, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 28.10.2021. Order dated 28.10.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.270 dated 03.10.2021, registered under Sections 323, 342 and 506 and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred as 'SC & ST Act'), at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner argues that the petitioner has been involved in this case on the asking of one of the relatives, with whom he has a property dispute and the complainant is working as a domestic helper with the said relative. Learned counsel for the petitioner further argues that no grievous injury has been alleged to be inflicted by the petitioner

and as far as the allegations alleged under Section 3 of the SC & ST Act are concerned, the same are yet to be proved in a Court of Law. Learned counsel for the petitioner further argues that a bare reading of the FIR makes it clear that no one, who has heard the words being attributed to the petitioner, which would violate the provisions of SC & ST Act, has been named, hence, as the petitioner, who is a widow lady, is ready to join and cooperate in the investigation, the benefit of concession of anticipatory bail may kindly be extended to her.

Notice of motion for 14.12.2021.

Mr. Kirat Singh Sidhu, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that there is no specific injury which has been attributed to the petitioner. Learned State counsel further submits that as far as the allegations mentioned in the FIR are concerned, when the police party reached the site, they only found that two women were fighting with each other, without there being any injury suffered by the complainant by the said time.

Learned counsel appearing on behalf of the complainant on the other hand submits that the petitioner is not entitled for the grant of anticipatory bail keeping in view the allegations of violating the provisions of SC & ST Act alleged against her. Learned counsel for the complainant further submits that the complainant has received injuries with sharp edged weapon, which has been attributed to the petitioner.

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

As far as the contention that the injury with the sharp edged weapon has been attributed to the petitioner, the same is yet to be proved during the investigation. Further, as per the FIR, when the police party reached the site, they found two ladies fighting and no injury was found on the person of the complainant, hence,

injury is stated to be suffered thereafter, after which she got herself admitted in the hospital, which allegations are also yet to be proved.

As far as the allegations of violating the provisions of SC & ST Act are concerned, the same are yet to be proved in a Court of Law as the FIR is silent as to who heard those words so as to prove the ingredients required for proving the charges of violating the provisions of SC & ST Act. This Court is not commenting upon the merits of the case and is only required to consider whether the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate or her custodial interrogation is necessary to elicit the truth.

Keeping in view the facts and circumstances of this case, as nothing is to be recovered from the petitioner, the purpose of investigation will be achieved in case the petitioner is directed to join and cooperate in the investigation.

Hence, the 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 the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make herself 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 him 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.”

Learned State counsel, on instructions from ASI Sukhwinder Pal,

states that in terms of the order of this Court reproduced herein before, the

petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 28.10.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

22.12.2021
hemlata

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes