

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.43371 of 2020
Date of Decision: March 24, 2021

Rajwinder Kaur

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harpreet S. Rakhra, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Vaibhav Sehgal, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.123 dated 06.11.2020, under Sections 304, 148 and 149 IPC 1860, registered at Police Station, Ramdas, District Amritsar. The petitioner apprehended her arrest at the hands of police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.12.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that as per the allegations in the FIR, father of the complainant was pushed by few persons

including the petitioner. He has pointed out that the victim died a natural death, as no injury was suffered by him and, therefore, the custodial interrogation of the petitioner, who is a lady may not be necessary in the given facts.

Notice of motion for 24.03.2020.

At this stage, Mr. Vivek Salathia, Advocate has appeared on behalf of the complainant.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Takwinder Singh, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 22.12.2020 is made absolute.

March 24, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No