

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

Criminal Misc.-M No.226 of 2021

Date of Decision: July 06, 2021

Kashmir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. T.P.S.Teji, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

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.184 dated 19.07.2020, under Sections 302 and 34 IPC 1860, registered at Police Station, Division-B, Police Commissionerate, District Amritsar. The petitioner apprehended her arrest at the hands of police.

Learned counsel for the petitioner has submitted that the alleged occurrence took place in April, 2020, and during inquest proceedings, the death of the victim was found to be suicide. However, after a long delay, the father of the victim got recorded the above FIR. He has invited the attention of the Court to the order dated 26.02.2021, whereby the interim protection was extended to the petitioner. The said order reads as

under:-

“CRM-2558-2021

Application is allowed. Documents are taken on record.

CRM-M-226-2021

Learned counsel for the petitioner states that the alleged occurrence took place in April, 2020, whereas the FIR was lodged on 19.07.2020 and as per prosecution, co-accused Kulwant Singh suffered a disclosure statement and confessed the commission of crime. He further submits that Kulwant Singh and husband of the victim have already been released on regular bail by this court and, as the investigation of the case is complete, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary.

The prayer is opposed by the learned counsel for the complainant, who argued that the petitioner also participated in the crime along with other co-accused, so she does not deserve the concession of pre-arrest bail.

Learned State counsel, on instructions from ASI Tarsem Singh, has pointed out that after completion of investigation, final report has already been filed against co-accused Kulwant Singh and his sons Ravinder Singh @ Ravi and Tejinder Singh.

Adjourned to 06.07.2021.

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 Bikka 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 26.02.2021 is made absolute.

July 06, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No