

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

1. **CRM-M-51234 of 2021**
Date of Decision:-07.12.2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-51237 of 2021**

Kamaljeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Akshay Chadha, Advocate
for the petitioner(s).

AMOL RATTAN SINGH J.(Oral)

Case heard by video conference :-

By these two petitions, filed under the provisions of Section 438 of the Cr.P.C., the petitioners in both the petitions seek the concession of anticipatory bail, upon FIR no.0044 dated 25.02.2020, having been

registered at Police Station Focal Point, District Ludhiana, alleging therein the commission of offences punishable under Sections 306 and 115 of the IPC.

CRM-M-51234 of 2021

This is the second petition filed by the petitioner seeking that he be admitted to bail in case he is sought to be arrested in the context of the aforesaid FIR.

The petition earlier filed by him, bearing CRM-M No.16610 of 2020, was disposed of by this Court on 28.1.2021, the following being the operative part of that order :-

“Having considered the matter, what this court is obviously not to lose sight of, is that these are petitions filed by the accused seeking to be admitted to bail in case they are sought to be arrested in the context of the FIR in question. This court having directed them to join investigation and ordered that they be admitted to bail in case they are sought to be arrested, and eventually today, learned State counsel having submitted on instructions from the aforesaid police official (ASI Jagjeet Singh) that their custodial interrogation is not required, there would be no reason for this court to direct, in these petitions at least, that the accused be arrested.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioners, these petition have in fact been rendered infructuous and are disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 10 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law."

Learned counsel for the petitioners points to the orders passed by the learned trial Court on 6.10.2021 and 1.11.2021. Vide the first order, it was recorded that the report under Section 173 Cr.P.C. had been submitted to that court on that day, with the Investigating Officer having made a statement that she would ensure that the accused persons (including the petitioner) were produced on the next date of hearing, i.e. 1.11.2021. Thereafter, fresh notices were issued to the accused by the trial Court, returnable on that date.

On 1.11.2021 the following order was recorded by the trial court in the context of the petitioner, Gurpreet Singh :-

"Notice issued to accused Gurpreet Singh has been received back duly served. But, none has turned up on behalf of accused despite repeated calls. As such, adopting more coercive method, accused Gurpreet Singh be summoned through bailable warrants in the sum of Rs.5000/- with one surety in the like amount."

Obviously, the petitioner did not come present before the trial Court despite notice having been issued to him, shown to be duly served, as a result of which bailable warrants have been ordered to be issued to secure

his presence on 17.12.2021.

That being so it is obviously upto the petitioner whether he wishes to appear before the trial Court on 17.12.2021 and furnish bail bonds in terms of the aforesaid order, with him not having come present there on 1.11.2021. If he does not, the trial court would, naturally, order appropriate proceedings against him.

The petition is dismissed.

CRM-M-51237 of 2021

The petitioner in this petition also seeks the same relief as the petitioner in petition CRM-M-51234 of 2021, in the context of the same FIR, the difference being that in the orders passed by the trial Court on 1.11.2021, the petitioner is not shown to be actually served with the notice issued to her on 6.10.2021 and consequently no bailable warrants have been ordered to be issued to secure her presence, but with a fresh notice issued to her and her co-accused Major Singh, returnable on 17.12.2021.

That being so, if the petitioner appears before the trial court on 17.12.2021, she would be treated to have been admitted to bail absolutely by this Court vide its order dated 28.1.2021, passed in CRM-M-15827 of 2021 (decided alongwith CRM-M-16610 of 2020). Consequently, the petition is disposed of as having been infructuous with the investigating agency not having required her custodial interrogation ever since the order of this court was passed on 28.1.2021.

December 07, 2021
Vijay Asija

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No