

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

206

CRM-M-3517-2022

Date of decision: 29.03.2022

LUCKY SATIJA

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Vibhor Bansal, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 72 dated 25.02.2020 registered under Section 346 of the Indian Penal Code, 1860 at Police Station Tripuri, Patiala, District Patiala to which Sections 365/120-B IPC were substituted later on.

While issuing notice of motion on 28.01.2022, this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 28.01.2022 reads as under :-

“It is contended that initially the FIR was lodged against some unknown persons but after a gap of 479 days, offence has been substituted with Sections 365 and 120-B of IPC and the petitioner has been falsely implicated in the instant case. Learned counsel further contends that no specific allegation has been attributed to the present petitioner. However, the petitioner is ready and willing to join the investigation.

Notice of motion for 29.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General,
Punjab accepts notice on behalf of the respondent-State

and seeks time to file reply.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner 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 such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 28.01.2022, submitted that in compliance with order dated 28.01.2022, the petitioner has joined the investigation and she may be granted anticipatory bail as her custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Charan Singh, acknowledged that in compliance with order dated 28.01.2022 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of

anticipatory bail.

Therefore, the petition is allowed and order dated 28.01.2022 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

29.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No