

211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4111-2022

Date of Decision: 07.03.2022

CHARANJIT KAUR AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Surinder Garg, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

At the earlier instance, the petitioners had sought anticipatory bail in case bearing FIR No. 76 dated 04.06.2019 under Sections 307/324/148/149 and 379 IPC registered at Police Station Kotbhai, District Sri Muktsar Sahib. The petition bearing CRM-M-38587-2019 was allowed on 13.01.2020. Subsequently, the offences under Sections 323/188/411/201 and 506 IPC were added on the basis of same set of allegations. Accordingly, present application for anticipatory bail has been moved.

On 02.02.2022, the following order was passed:-

“This is second petition under Section 438 Cr.P.C in the case bearing FIR No. 76 dated 04.06.2019, under Sections 307/324/148/149/379/201/323/148/411/506 IPC, 1860, registered at Kotbhai, District Sri Muktsar Sahib.

Learned counsel for the petitioners contends that at the earlier instance, the FIR was registered under Sections 307/324/148/149/379 IPC at Police Station Kotbhai, District Sri Muktsar Sahib. The petitioners had moved a petition for anticipatory bail and the same was allowed in terms of order dated 13.01.2020 passed in CRM-M-38587-2019.

It has been stated that the offences under Sections 323/188/411/201/506 IPC have also been added on the basis of same set of allegations.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State and seeks time to get instructions in the matter.

Adjourned to 07.03.2022.

Meanwhile, it is directed that the order dated 13.01.2020 passed in CRM-M-38587-2019 will also enure with regard to the newly added offences.

Learned counsel for the petitioners contends that the petitioners have already joined the investigation, the investigation of the case is complete and challan has already been presented in the Court.

Learned State counsel, on instructions from ASI Rajinder Singh, has not disputed the aforesaid factual aspects of the matter and further stated that the custodial interrogation of the petitioners is not required.

In these circumstances, order dated 02.02.2022 is made absolute and it is directed that the order dated 13.01.2020 passed in CRM-M-38587-2019 will also enure with regard to the newly added offences i.e. 323/188/411/201 and 506 IPC. This order is also subject to the condition that the petitioners shall comply with the provisions of Sections 438 (2) Cr.P.C.

Accordingly, petition is allowed.

07.03.2022
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(VIVEK PURI)
JUDGE

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