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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7649-2022

Date of Decision: 27.04.2022

NEHA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Partap S. Pathania, Advocate
for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Sunil Mallan, Advocate, for the complainant.

* * *

VIVEK PURI, J. (ORAL)

On 23.02.2022, following order was passed:

“Petitioner-Neha is seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 03 dated 11.01.2022, under Sections 452/354/323/148/149 IPC, 1860, registered at Police Station Sadar Pathankot, District Pathankot.

Briefly, the aforesaid FIR has been registered on the basis of the statement of the complainant alleging that on 01.01.2022 at about 03:30 PM, the petitioner along with the co-accused entered the house, inflicted injuries upon her family members and the shirt of daughter was torn off.

Learned counsel for the petitioner contends that there is a delay of 10 days in lodging the FIR, there was a dispute with regard to partition, it becomes debatable as to whether the offence under Section 452 IPC is made out or not, the opinion with regard to the injury on the person of Raghuvir Singh has not yet been procured, the allegation with regard to outraging the modesty of the daughter of the complainant has not been levelled against the petitioner and the co-accused namely Dharam Singh and Abhishek Salaria @ Chetu have been granted interim bail by this Court.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that she join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-3607-2022 on 27.04.2022.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim direction issued by this Court.

Learned State counsel, on instructions of ASI Rattan Lal, has stated that the petitioner has joined the investigation but recovery of *danda* is yet to be effected.

Learned counsel appearing for the complainant has stated that after committing trespass in the house of the complainant, the injuries were inflicted, even tooth of Raghuvir Singh was broken and clothes of the daughter of the complainant were torn.

It is significant to note that offence under Section 325 IPC has not been added in the instant case and the injuries as mentioned in this case are under Section 323 IPC. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 23.02.2022 is made absolute.

The petition stands allowed.

27.04.2022

Janki

(VIVEK PURI)
JUDGE

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