

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-13477-2022
Decided on : 17.05.2022

Amarjit Kaur

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. K. P. Singh, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing General Diary No. 31 dated 23.02.2022 registered at Police Station Lopoke, Amritsar Rural in FIR No. 265 dated 16.11.2021 under Sections 452, 323, 325 and 34 of the Indian Penal Code, 1860 registered at Police Station Lopoke, Amritsar Rural.

On 31.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that the petitioner is a 77 year old lady, who had got FIR No.265 dated 16.11.2021 registered under Sections 452, 323, 325, 34 of the Indian Penal Code, 1860 against Maninder Kaur and other persons on the ground that injuries had been inflicted upon her with an iron rod. It is

further submitted that the said Maninder Kaur had got the cross-version recorded after a delay of three months from the date of registration of the earlier FIR. It is argued that although, as per the allegations, the petitioner has been attributed one injury on the finger on the left hand of said Maninder Kaur which is grievous in nature but the present case is a case of version and cross-version and in the FIR registered by the petitioner, the provision of Section 452 of IPC has also been added and thus, prima facie as per the prosecution version, it is the said Maninder Kaur who is the aggressor and who had trespassed into the area in possession of the petitioner. It is further submitted that the petitioner is not involved in any other case.

Notice of motion.

On asking of the Court, Mr. V.G. Jauhar, Sr. DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions. Adjourned to 17.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Kulbir Singh has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 31.03.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 31.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

17.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No