

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

CRM-M-25689-2022

Date of decision : 06.06.2022

Komaljeet Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Munish Gupta, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Apprehending her arrest in FIR No.0016 dated 27th February, 2022, registered under Sections 307, 326-A, 148, 149 of the Indian Penal Code, 1860 (Sections 302 and 120-B IPC added later on and Sections 307 and 326-A IPC deleted by Police) at Police Station Khanauri, District Sangrur, petitioner seeks pre-arrest bail.

2. Notice of motion.

3. On asking of the Court, Mr. Sukhbeer Singh, Asstt. Advocate General, Punjab appears and accepts notice on behalf of the respondent/ State.

4. At this stage, Ms. Preeti Manderna, Advocate has put in appearance and filed her Power of Attorney on behalf of the complainant's father i.e. Mohan Singh.

5. The case of the petitioner is that she, at the time of incident,

was in fact more than 150 Kms. away from the place of occurrence and the said fact has come out in inquiry conducted by the Police on the basis of the CCTV footage as well as location of the mobile of the petitioner.

6. Ld. State Counsel assisted by Counsel appearing for the father of complainant, submits that in fact it will be a case wherein the victim herself has deposed about the occurrence and that too in her Statement under Section 164 Cr.P.C. recorded prior to her death.

7. It is a matter of record that on 26th of February, 2022, victim suffered first Statement before Police wherein she is stated to have not accused any person *qua* the incident. Rather she stated the same to be an outcome of leakage of cylinder. However, on the very next day i.e. on 27th of February, 2022, she suffered another Statement again before the Police Authorities wherein she implicated her in-laws including the petitioner of having caused burn injuries to her. Thereafter, she suffered Statement under Section 164 Cr.P.C. which is inconsonance with the Statement suffered by her on 27th of February, 2022.

8. Ld. Counsel appearing for the victim also brings to the notice of this Court that on account of patchy inquiry, an FIR has been registered under the provisions of the Prevention of Corruption Act, 1988, against the concerned Superintendent of Police, on 9th of May, 2022.

9. Having heard Ld. Counsel for the parties, I find that the plea raised by the petitioner w.r.t. non-presence on the place of occurrence is the matter of evidence which shall be subject matter of trial. At this stage, any

attempt on behalf of the accused to tamper with the investigation shall necessarily non-suit the accused from grant of concession of pre-arrest bail.

10. Keeping in view the circumstances in the present case and the fact that the Investigating Authority that too at the level of Superintendent of Police, is facing proceedings under the Prevention of Corruption Act, in this very case for having botched up the inquiry/investigation, I find that this is not a fit case where the petitioner can be granted relief of pre-arrest bail.

11. Accordingly, the instant petition stands dismissed.

June 06, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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