

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35724-2021

Date of Decision: 07.02.2022

Surinder Kaur

.....Petitioner

Vs.

State of U.T. Chandigarh

.....Respondent

CRM-M-40898-2021

Prabhjot Singh

...Petitioner

vs.

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. I.P.S. Bains, Advocate,
for the petitioners.

Ms. Simsi Dhir, Addl.P.P. for the U.T., Chandigarh.

Mr. S.D. Bansal, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By these petitions, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 0020 having been registered at Police Station Maloya, U.T. Chandigarh, on 16.02.2021, alleging therein the commission of offences punishable under the provisions of Sections 452/323/380/506/34 of the IPC.

Various orders having been passed on different dates, eventually a reply, shown to be dated 12.09.2021, was filed, as recorded in an earlier order passed, but with it now being stated by the learned Additional Public

Prosecutor, U.T., Chandigarh, that the date on the said reply is incorrectly shown as 12.09.2021, whereas actually it is 12.10.2021, with even Annexure R-2 therewith shown to be dated 05.10.2021.

Be that as it may, learned Additional Public Prosecutor, U.T., Chandigarh, on instructions from SI Ram Dahiya of Police Station Maloya, submits that the custodial interrogation of neither of the petitioners is required, with eventually in fact FIR No. 136, dated 08.10.2021, having been registered against the complainant in the present FIR in question, (i.e. FIR No. 0020, dated 16.02.2021), i.e. Manjeet Saini and her husband Balbir Singh, after a detailed inquiry was conducted.

Though Mr. Bansal, learned counsel for the complainant, opposes the petition being allowed, with him submitting that in fact despite one year having gone by, no report under the provisions of Section 173 of the Cr.P.C. has been submitted to the competent court, yet, these being simply petitions by which the petitioners seek to be admitted to anticipatory bail and with the learned Additional Public Prosecutor, U.T.Chandigarh, submitting on instructions that their custodial interrogation is not required in the circumstances, even on the touchstone of the ratio of the judgment of the Supreme Court in MC Abraham vs. State of Maharashtra (2003) 2 SCC 649, I would see no ground to not allow the petitions, subject of course to any further development as may be brought on record by the U.T. Chandigarh in case the custodial interrogation of the petitioners is required at a subsequent stage.

Hence, in the light of the aforesaid statements made, though of course these petitions have actually been rendered infructuous, yet since a

separate FIR altogether has been registered against the complainant in the FIR (allegedly as regards the property in question in which the occurrence is stated to have taken place), the orders passed in these petitions admitting the petitioners to interim bail are made absolute on the same terms and conditions but with liberty to the investigating agency to file any appropriate petition/application seeking cancellation of the bail granted to them, obviously for very valid reasons and with the complainant in the FIR in question also obviously at liberty to avail of her remedies as per law, in case she is alleging improper investigation.

The report to be submitted to the competent court in the context of the FIR in question, be consequently submitted at the very earliest, with no comments made by this court on the merits of the case.

A photocopy of this order be placed on the file of the other connected case.

February 07, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.