

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

CRM-M-38803-2021(O&M)

Date of Decision:06.04.2022

Amarjit Kaur and another

...Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gautam Dutt, Advocate with
 Mr. M.S.Uppal, Advocate
 Mr. Tasleen Chahal, Advocate
 Mr. Farhad Kholi, Advocate, for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.189 dated 23.05.2020 under Sections 302, 323, 341, 148, 149 of IPC (Section 302 IPC added later on), registered at Police Station Sadar Mansa, District Mansa, who apprehends their arrests at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 07.02.2022, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned Senior counsel has argued that initially five persons were made accused in the subject FIR and three of them including the petitioners were found innocent who were placed in column No.2 and co-accused Joginder and Rawal Singh were sent to face trial. According to him, the alleged injuries to Niranjana Singh (deceased) were caused by coaccused Rawal Singh who is in custody, whereas the other accused, namely, Joginder who allegedly gave fist and slap blows stands released on regular bail. Learned

Senior counsel has pointed out that the petitioners have been summoned after commencement of trial by exercising power under Section 319 Cr.P.C. and infact petitioner No.2 Mohinder Singh, who is 80 years old had made an attempt to intervene in the fight between Niranjana and Joginder, etc. who was not participating in the alleged crime, whereas petitioner No.1 was falsely implicated being wife of Rawal Singh.

Learned State counsel assisted by ASI Mewa Singh while opposing the prayer has not disputed this fact that after investigation, the petitioners were found innocent. However, according to him, the petitioners were specifically named in the FIR and the stand of the petitioners that Mohinder Singh intervened in the fight between Niranjana and Joginder, etc. is not correct, as the said stand of the accused is based upon enquiry report conducted upon a representation on behalf of the accused. He on instructions further states that indeed the case is coming up tomorrow before the trial Court and the petitioners are to appear.

Adjourned to 6.4.2021.

In the meantime, in case the petitioners appear on the next date of hearing, i.e. 8.2.2022, they shall be released on interim regular bail, subject to their furnishing respective requisite bail bonds/surety bonds to the satisfaction of the trial Court.”

Learned counsel for the petitioners states that pursuant to the order dated 07.02.2022, the petitioners submitted themselves before the trial Court on 08.02.2022, and were admitted on interim regular bail.

The above position is not disputed by the learned State counsel.

Considering the above, the petition is allowed and it is ordered that the petitioners shall remain on regular bail and on the same bail bonds/surety bonds furnished by them before the trial Court on 08.02.2022.

06.04.2022
Hemlata

(MANOJ BAJAJ)
JUDGE

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