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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40650-2021 (O&M)
Date of Decision: 25.01.2022

Raj Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harchand Singh Batth, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.137 dated 22.08.2021, registered under Sections 307, 427, 148 and 149 IPC, 1860 and Sections 25 and 27 Arms Act, 1959 at Police Station Sadar Tarn Taran. The petitioner apprehends her arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.09.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel has argued that as per allegations, only exhortation has been attributed to the petitioner, whereas the injury was caused to the complainant, namely, Amarjit Kaur by some unidentified person. According to the learned counsel, the son of the petitioner, namely, Kuldeep Singh @ Raja has already been arrested.

Notice of motion.

At this stage, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice and has submitted that the sole injury suffered by the victim on his ankle was caused by gunshot fired by Amritpal Singh, who has also been arrested.

Adjourned to 25.01.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C”

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, on instructions from ASI Satpal, has stated that the weapon used in the crime has already been recovered from co-accused Kuldeep Singh @ Raja and the alleged gunshot was fired by co-accused Heera Singh. According to him, on 29.09.2021, it was inadvertently stated that the gunshot was fired by co-accused Amritpal Singh. Learned State counsel further states that the investigation of the case is also complete and the final report has been filed.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.09.2021 is made absolute.

25.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No