

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

CRM-M-50259-2021 (O&M)

Date of decision: 03.03.2022

RANI AND ANR

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Tarun Sharma , Advocate
for the petitioners.

Mr. Dhruv Dyal, Sr.DAG, Punjab.

SANT PARKASH, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, petitioner seeks anticipatory bail under Section 438 Cr. P. C. in case FIR No. 0128 dated 24.09.2021 registered under Sections 307, 353, 186, 332, 323, 379-B, 148 and 149 IPC at Police Station Kulgarhi, District Ferozpur.

On 02.12.2021, this Court has passed the following order :-

Heard through video conferencing.

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.0128 dated 24.09.2021, registered under Sections 307, 353, 186, 324, 332, 323, 379-B, 148 and 149 IPC at Police Station Kulgarhi, District Ferozepur.

The allegations against the petitioners are that they attacked the police party and caused injuries to the complainant-ASI Baldev Singh, when the said complainant along with five other police officials went to the house of the petitioners to arrest them in an another

case i.e. FIR No.0127 dated 23.09.2021 registered under Section 353, 186, 354-A, 506 and 149 IPC at Police Station Kulgarhi, District Ferozepur. It is alleged that petitioner No.2-Jyoti @ Jyoti Kaur pushed the complainant, petitioner No.1-Rani took out the mobile of the complainant from his pocket and they along with 8-9 persons, also pelted stones on the police party and abused them.

It is contended that the complainant-ASI Baldev Singh is very close to one Karamjit Kaur, on whose provocation, the complainant along with other police officials straightaway went to the house of the petitioners to arrest them, rather than making any investigation regarding the allegations levelled by Karamjit Kaur. A video was also made by one of the co-accused of the petitioners namely Jaimes Bhatti, in which it can be seen that the complainant was making video of lady members of his family and after making the said video, the complainant along with police party left the place without arresting anybody and by the same evening, the instant FIR was lodged falsely implicating the petitioners.

Notice of motion for 03.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book besupplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2)

Cr.P.C:-

(i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave India without the previous permission of the Court”.

Learned State counsel on instructions from ASI Manjeet Singh submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the above and the petitioner having joined the investigation, the order dated 02.12.2021 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of accordingly.

(SANT PARKASH)

JUDGE

03.03.2022

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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No