

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

207+243

CRM-M-1334-2023

Date of Decision: 05.05.2023

Manpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondents

And

CRM-M-48697-2021

Manpreet Kaur

...Petitioner

Versus

State of Punjab and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.S. Momi, Advocate for the petitioner

Mr. Vipin Pal Yadav, Addl. AG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. Through this common order, both the petitions bearing Nos. *CRM-M-1334-2023 & CRM-M-4867-2021* are being disposed of as the same are inter-connected.

2. On 12.04.2023, the following order was passed:-

“The petitioner through petition bearing No. CRM-M-48697-2021 is seeking quashing of enquiry report dated 08.08.2019 (Annexure P-4) conducted by DSP, Ajnala and order dated 04.12.2019 whereby JMIC, Ajnala has declared the petitioner proclaimed offender.

Through petition bearing No. CRM-M-1334-2023, the petitioner is seeking anticipatory bail in FIR No.64 dated 19.06.2019 registered at Police Station Jhander, District Amritsar, under Section 365 IPC (Sections 302, 120- B, 201 of IPC and Sections 25/54/59 of Arms Act were added later on).

Learned counsel for the petitioner, at the outset, seeks permission to withdraw CRM-M-48697-2021 qua his prayer with respect to quashing of enquiry report. He further submits that petitioner was not named in the FIR, however, she has been implicated on the basis of enquiry report dated 08.08.2019 of DSP, Ajnala. It is not a case of prosecution that petitioner was present at the time of commission of alleged offence, however, she is going to be implicated alleging that she was having illicit relation with the husband of deceased.

*Order dated 04.12.2019 passed by JMIC, Ajnala is hereby set aside and the petitioner's prayer qua setting aside of enquiry report dated 08.08.2019 is dismissed as withdrawn with liberty to raise all pleas before the trial Court. Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in *Thana Singh v. Central Bureau of Narcotics*, (2013) 2 SCC 590, *Arnab Manoranjan Goswami V. State of Maharashtra*, (2021) 2 SCC 427, *Satender Kumar Antil V. CBI* (2022)10 SCC 51, *Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors.*, 2010 SCC Online SC 1375, *Shri Gurbaksh Singh Sibbia V. State of Punjab**

(1980) 2 Supreme Court Cases 565, this Court is of the prima facie opinion that the petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 17.04.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.05.2023.

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

3. In view of afore-stated order dated 12.04.2023, CRM-M-48697-2021 is dismissed as withdrawn with liberty to the petitioner to raise her all pleas/issues before the Trial Court.
4. Learned State counsel submits that petitioner has joined investigation and no custodial interrogation is required.
5. In view of above facts and circumstances, the petition (CRM-M-1334-2023) is allowed and the interim bail granted to the

petitioner vide order dated 12.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

6. If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

05.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>