

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

**CRA-S-188-2023 (O&M)
Date of decision : 27.07.2023**

Rajwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Jaskamal Singh Grewal, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed against the impugned order dated 10.01.2023, passed by learned Additional Sessions Judge, S.B.S. Nagar, dismissing pre-arrest bail to the petitioner in FIR No.72 dated 10.09.2022, under Sections 341, 427, 506 of the Indian Penal Code, 1860 and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City, Balachaur, District S.B.S. Nagar.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Ram Lubhaya to the effect that he belongs to Scheduled Caste community. On 26.03.2022, there was marriage of a girl in their locality, thus, tent was installed and due to shortage of space, their vehicles were also parked in the street. Petitioner came from the market on her scooty and due to grudge against the people of S.C. category, she intentionally struck her vehicle with 2-3 vehicles parked over there. Bumper of that vehicle was broken and she threatened the complainant party to teach a lesson while using derogatory language with regard to their caste. Petitioner's husband, namely, Amandeep Singh, who was earlier residing abroad, has also come to India and both of them have been using casteist remarks and threatening the complainant party to implicate them in a false case.

(3) The Coordinate Bench, vide order dated 19.01.2023, granted interim bail to petitioner and the same reads as under:-

“The appellant has filed the present appeal for grant of anticipatory bail and for setting aside order dated 10.01.2023 passed by learned Additional Sessions Judge, S.B.S. Nagar whereby the application filed by the appellant under Section 438 of the Cr.P.C. for grant of anticipatory bail in case FIR No.72 dated 10.09.2022 registered under Sections 341, 427, 506 of the Indian Penal Code, 1860 and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Balachaur, District S.B.S. Nagar has been dismissed.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. Even, as per the version of FIR, no case is made out against the appellant.

Earlier, the appellant has got registered FIR No.15 dated 02.11.2018 against Munish @ Shiva and Krishan Kumar @ Harry and just to put pressure upon the appellant to compromise or to withdraw the said case, the present FIR has been registered against her. All the offences registered earlier were bailable and the appellant has already joined the investigation but the complainant in connivance with accused of FIR No.15 dated 02.11.2018 and with the police added offence under SC/ST Act after a period of 06 months. Nothing is to be recovered from the petitioner and her custodial interrogation is not required in the case. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, Asstt. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to file reply.

Adjourned to 24.05.2023.

In the meanwhile, the appellant is directed to join the investigation and appear before the Investigating Officer within 10 days from today and on her doing so, the petitioner shall be released on interim anticipatory bail subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C. ”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

(5) The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

- (6) In view of above, interim order dated 19.01.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present matter.
- (9) Disposed off accordingly.

July 27th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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