

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-5907-2023 (O&M)

Date of decision: 16.03.2023

SHINDER KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.169 dated 11.12.2022, under Sections 323, 324, 452, 34 of the Indian Penal Code, 1860 (Sections 379-B and 325 IPC added later on) registered at Police Station Sultanwind, District Police Commissionerate, Amritsar.

On 06.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.PC for grant of pre-arrest bail to the petitioner in case FIR No 169 dated 11.12.2022, registered under Sections 323, 324, 452, 34 of the IPC (Section 379-8 and 325 IPC added later on) at Police Station Sultanwind, District Police Commissionerate Amritsar.

Learned counsel contends that initially in the FIR, there was no role attributed to the accused and it is only 10 days thereafter that specific roles have been attributed as per which the petitioner-a lady is alleged to have caused an injury on the left arm of Neetu leading to a fracture. He submits that co-accused namely Sagar and Tarsem (father and son of the petitioner) have been attributed injury to Jonika on the head and are in custody. It is stated that petitioner and complainant are neighbours and the dispute arose on account of parking of the vehicle outside the house. Learned counsel submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion. At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or

before 10.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and with the Investigating Agency as required by the cooperate Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 16.03.2023.”

Learned counsel for the petitioner submits that in pursuance of order dated 06.02.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

Learned State counsel on instructions from SI Sukhdev Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 06.02.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

March 16, 2023

M.Kamra

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No