

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

208

CRM-M-13108-2023

Date of decision: 29.08.2023

Salinder Kaur

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. On 28.04.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.0011 dated 24.01.2023, under Sections 385 & 387 of IPC (Sections 506, 120-B & 109 of IPC and Section 25 of Arms Act, 1959 added later on), registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the petitioner is widow lady and has not been named in the FIR and nominated as an accused on the disclosure statement of co-accused Surjit Singh. He further submits that apart from the disclosure statement of co-accused Surjit Singh, there is no linking evidence to link the petitioner with the alleged offence. He further submits that that the main allegations in the FIR are against co-accused Landa Harike, who is stated to have demanded money from the complainant - Vijay Kumar Sharma. He has referred to para no.5 of the status report filed by the respondent-State, wherein it has been averred as under :-

“ 5. That during the course of investigation, the co-accused namely Surjit Singh alias Fauji has been arrested in the present case on 26.01.2023 and on

conducting his search, one country made pistol 32 bore (Made in Italy) alongwith 5 live cartridges and on the basis of which, the offence under section 25/54/59 of the Arms Act has been enhanced in the present case vide DDR No.31 dated 26.01.2023. It is submitted that during the course of interrogation of the co-accused namely Surjit Singh, he voluntarily suffered his disclosure statement before the investigating officer and from his disclosure statement, it has come out that he has been longtime friend of Nishan Singh who about 2 ½ years ago had gone to Dubai but he has been in constant touch with Nishan Singh who regularly had been calling Surjit Singh on his mobile phone number 99884-40633 from his Dubai phone Last number +971545344656 whose Whatsapp number is +971550351749 and at his asking, Surjit Singh had been collecting extortion amounts and even firearms/weapons on behalf of Nishan Singh and it has also come out that at times, he also had been delivering money to mother of Nishan Singh namely Salinder Kaur i.e. the petitioner and on the basis of above said disclosure statement, the petitioner namely Salinder Kaur has been nominated in the present case vide DDR NO.36 dated 29.01.2023.”

He further submits that no money whatsoever has been delivered to the petitioner by any of the co-accused. He further submits that the petitioner is not involved in any other case and is ready to join the investigation.

Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner keeping in view the role attributed to the petitioner.

Adjourned to 29/08/2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.

2) That the petitioner 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.

3) That the petitioner shall not leave India without prior permission of the court.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but 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.

3. Learned State counsel affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. 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 28.04.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

29.08.2023
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No