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

**CRM-M-20622-2023 (O&M)
Date of decision : 26.07.2023**

Sukhdeep Kaur

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jasmeet Singh Ghumman, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.13 dated 09.02.2023, registered under Sections 379-B (2) (Sections 411, 120-B & 201 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), at Police Station Maqsudan, District Jalandhar Rural.

2. It transpires that above FIR was registered on the basis of statement made by one Gursharan Singh to the effect that on 10.11.2022 at around 5:35 a.m., he along with his wife i.e. accused/petitioner, Sukhdeep Kaur, were travelling in Swift Dzire car, which was being driven by co-accused, Sandeep Singh. Suddenly, engine of the car ceased and when Sandeep Singh was checking the car,

four unidentified youths with muffled faces and armed with *datar* & iron rods, reached there in a car and assaulted the complainant, his wife i.e. accused-petitioner, Sukhdeep Kaur, as well as co-accused driver Sandeep Singh. One of the assailants also put chilly powder in the eyes of complainant. After causing injuries, the accused left the spot after taking away one gold bracelet, three gold rings, Rs.50,000/- cash and a purse containing important documents and 1400 Canadian Dollars.

In his supplementary statement recorded on 28.02.2023, complainant disclosed that now it was revealed that accused-petitioner Sukhdeep Kaur had installed a remote control system in his car in connivance with co-accused Sandeep Singh, driver and Randeep Singh @ Deepu. The alleged conspiracy was hatched by aforesaid persons along with three others, in order to usurp his property.

3. The Coordinate Bench, on 05.05.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“It is submitted that the petitioner has been nominated as an accused more than three weeks after the date of the incident. She is the legally wedded wife of the complainant and has nothing to gain by getting him assaulted through goons. The petitioner undertakes to cooperate with the investigation if interim protection is granted to her.

Notice of motion for 26.07.2023.

Mr. I.P.S. Sabharwal, DAG Punjab accepts notice on behalf of the respondent-State and waives service.

Meanwhile, the petitioner is directed to join investigation with the Investigating Officer on 15.05.2023 at 10.00 a.m. and co-operate therewith. In the event of her

arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to her joining the investigation and compliance of the provisions enshrined under Section 438(2) Cr.P.C.”

4. Contends that in terms 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 05.05.2023 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 bail matter.
9. Disposed off accordingly.

26.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No