

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

208

CRM-M-26545-2020

Date of Decision: 24.05.2023

Khalda Parveen and Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- None for the petitioners

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Gurmej Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 26.04.2023, the following order was passed:-

“The petitioners through present petition under Section 438 Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) are seeking concession of anticipatory bail in FIR No.60 dated 10.06.2018 under Sections 452, 354-B, 323, 148, 149 of Indian Penal Code, 1860 (for short ‘IPC’) registered at Police Station Ajitwal, District Moga.

A Co-ordinate Bench of this Court on 08.09.2020 in CRMM-26221-2020 passed the following order:-

“Ld. Counsel for the petitioners draws attention of the Court to the impugned order passed by the Ld. Judicial Magistrate 1st Class, Moga on 17.12.2018 vide which the petitioners were declared Proclaimed Persons after it was

recorded that the proclamation against them had been affixed on 14.11.2018. However, from the copy of the relevant proclamation which is on record herewith as a part of Annexure P-4 (in CRM-M-26621-2020), it reveals that the publication effected on 14.11.2018 was for 16.11.2018, i.e., just two days later. Hence, contends further that the publication was not in accordance with law as the stipulation of minimum period of 30 days had not been maintained till the date of scheduled compliance.

Notice of motion.

Mr. Randhir Thind, Deputy Advocate General, Punjab to accept notice on behalf of the respondent-State.

Let a copy of the Paperbook be supplied to him.

Adjourned to 09.10.2020.

In the meantime, operation of the impugned order shall remain stayed at this stage and it is directed that no coercive steps shall be taken against the petitioners.”

The Investigating Officer was directed not to take coercive steps, however, petitioners were not directed to join investigation. The petitioners are directed to join investigation and at the first instance appear before Investigating Officer on 02.05.2023 at 10:00 AM and thereafter as directed by the Investigating Officer and cooperate the Investigating Officer. Adjourned to 24.05.2023.

Interim order to continue.”

2. Learned State counsel, on instructions from ASI Gurmej Singh, submits that petitioners have joined investigation and no custodial interrogation is required.
3. In view of above facts and circumstances, the petition is allowed and the interim protection granted to the petitioners vide order dated 26.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.
4. If the petitioners or their 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.
5. 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

24.05.2023
Mohit Kumar

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