

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

Sr. No.208

CRM-M-28748-2022

Date of decision: 18.05.2023

Daljit Kaur

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Proxy counsel for
Mr. G.B.S. Dhillon, Advocate
for respondent No.2.

* * *

DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.196 dated 28.12.2019 registered under Sections 307, 302, 379-B, 506, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Baghapurana, District Moga.

2. On 04.08.2022, this Court had passed the following order:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.196 dated 28.12.2019, registered at Police Station Baghapurana, District Moga, under Sections 307, 302, 379-B, 506, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that though the petitioner was name in the FIR, yet during investigation, she had been found innocent; that however, the petitioner has been summoned the face the trial under Section 319 Cr.P.C.; that only allegation against the petitioner is that she

had given the handle of spade on the head of the complainant, and that co-accused namely, Satnam Singh @ Sethi and Jagsir Singh @ Kanta have since been granted the concession of regular bail by this Court.

Adjourned to 30.11.2022.

Meanwhile, the petitioner is directed to join investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

3. Learned State counsel submits that in pursuance to the afore-quoted order passed by this Court, not only the petitioner has appeared before the trial court and has been admitted to ad-interim bail but he has also joined and co-operated with the investigation and that her custodial interrogation is not required by the State.
4. In the light of the submissions made on behalf of the petitioner as has been recorded in the afore-quoted order, the statement made by learned State counsel and because the petitioner has shown his bona fides by putting in appearance before the trial court, it is directed that the trial court may favourably consider to make the interim bail granted the petitioner absolute, in accordance with law.

May 18, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No