208 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM M-29455-2023 (O&M)
Date of Decision: 20.07.2023

Ganga Devi and another .....Petitioners

Versus

State of U.T., Chandigarh .....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Raj Kapoor Malik, Advocate,
for the petitioner.

Mr. Shashank Bhandari, APP for UT Chandigarh
assisted by SI Kuldeep Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C") for grant of pre-arrest bail to the petitioners in FIR No.59 dated 20.05.2023, under Sections 147, 323, 332, 452 and 506 read with Section 149 IPC registered at Police Station Industrial Area, Phase-1, Chandigarh.

2. FIR in question was registered on the statement of Anil Kumar, General Manager, Haryana Roadways, Chandigarh wherein he stated that on 02.03.2023 at about 11.30 AM, some dispute arose between Krishan Lal (Mechanic) and Naveen Kumar (Washing boy) and after heated arguments, said Krishan lal slapped Naveen Kumar. Thereafter, Krishan lal called his wife Ganga Devi, daughter Priyanka and three other persons at the workshop and they all gave severe beatings to Naveen Kumar & Nanak Chand.

3. The Coordinate Bench vide order dated 05.06.2023, granted interim bail to petitioners and the same reads as under:-

> *"Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in FIR No. 59 dated 20.05.2023, under Sections 147, 149, 323,*

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332, 452 and 506 of IPC, registered at Police Station Industrial Area, Phase-I, Chandigarh.

Learned counsel for the petitioner inter alia contends that on the behalf of complainant, initially DDR dated 2.3.2023 was registered and thereafter another DDR dated 22.03.2023 was registered. The petitioner No. 1 was alleged to have committed offence punishable under Sections 107/151 of Cr.P.C. The petitioner No. 2 was not named in the DDR and after two and a half month from the date of alleged incident, the police has registered FIR at the behest of General Manager Haryana Roadways Workshop, Chandigarh. Both the petitioners are female. The petitioner No. 2 is an unmarried lady. The petitioners are ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 20.07.2023.

On the asking of Court, Mr. Shashank Bhandari, APP for UT Chandigarh, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427,Satender Kumar Antil V. CBI (2022)10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, this Court is of the prima facie opinion that petitioners deserve protection from arrest. Accordingly, at the first instance, the petitioners are directed to appear before investigating officer on 13.06.2023 and thereafter as directed by IO. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of

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investigating/arresting officer. The petitioners shall co-operate the investigating officer.

If the arresting officer does not permit the petitioners to join the investigation, the petitioners would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

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."

4. Learned counsel on instructions from petitioners submits that in pursuance of the aforesaid order, they joined investigation and their custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioners is not required at this stage.

6. In view of above, interim order dated 05.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioners 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.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.07.2023 **(MAHABIR SINGH SINDHU)**
SN **JUDGE**

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

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