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

CRM-M-30003-2023 (O&M)

Date of decision : 10.10.2023

Rani @ Ranjit Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Nidhi Kalshan, Advocate,
for Mr. G.C. Shahpuri, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab,
assisted by ASI Rakesh Kumar.

Mr. Ritesh Pandey, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.64 dated 29.04.2023, under Sections 323, 324, 341, 506, 379 (Section 326 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station City Batala, District Batala.

2. As per the prosecution case, petitioner along with other co-accused caused multiple injuries to the complainant-Harshmeet Singh.

3. It transpires that petitioner was granted interim bail by the Coordinate Bench, on 08.06.2023, and relevant part of the same is recapitulated as under:-

“The petitioner has filed the present petition for grant of anticipatory bail in case FIR No. 64 dated 29.4.2023, under Sections 323, 324, 341, 506, 379 IPC, later on the offence under Section 326 IPC was added, registered at Police Station City Batala.

The complainant, who is an Advocate, lodged the present FIR against the petitioner and her husband Chandandeep Arora and two unknown persons, alleging that when he was going to Court and by the time he reached near the house of the accused persons, he was waylaid by the petitioner, her husband and two unknown persons and caused injuries to the complainant.

Learned counsel for the petitioner submits that only simple injury is attributed to the petitioner. The grievous injury i.e. injury no. 6 is attributed to the co-accused Chandandeep Arora. The offences under which the FIR has been registered are triable by Judicial Magistrate Ist Class. The petitioner is a lady and is ready to cooperate and join the investigation.

Notice of motion for 11.7.2023.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the State of Punjab.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

4. Today, learned counsel contends that in terms of the aforesaid order, petitioner has already joined investigation and her custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. Although, learned counsel for the complainant objected against the prayer of petitioner, but in view of fact that State is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.
7. In view of above, interim order dated 08.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. 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.
10. Disposed off accordingly.

10.10.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*

Whether reportable : *Yes / No*