

205 (1)

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

CRM-M-31264-2022 (O&M)

Date of Decision: 21.02.2023

Surjit Kaur and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Parminder Singh Kanwar, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

CRM-36904-2022

Prayer in this application filed under Section 482 Cr.P.C. is for addition of the offence under Section 365 of IPC. 1860 in the headnote as well as in the prayer of **CRM-M-31264-2022**.

For the reasons mentioned in the application, the same is allowed, Section 365 of IPC, is added in the headnote as well as in the prayer of **CRM-M-31264-2022**.

CRM-42675-2022

The present application is filed for placing on record Annexure P-7 and exemption from filing certified copy.

Criminal Misc. Application is allowed as prayed for.

CRM-M-31264-2022

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.150 dated 23.06.2022, registered under Sections 323, 341, 342, 148, 149 and 506 of the Indian

Penal Code, and Sections 325, 452, 367 and 308 of Indian Penal Code added later on, registered at Police Station Tanda, District Hoshiarpur.

At the very outset, learned counsel for the petitioner submits that he is not pressing the petition on behalf of the petitioner No.2 as he already stands arrested and he has been granted regular bail. Accordingly, the instant petition is **dismissed as not pressed qua petitioner No.2 and now survives only qua petitioner No.1.**

Learned counsel for the petitioner No.1 further submits that in terms of the order dated 27.07.2022, the petitioner No.1 has joined the investigation.

On 27.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“CRM No.25911 of 2022

This application has been moved on behalf of the applicants-petitioners for seeking correction in the head-note as well as the prayer clause in the main petition bearing CRM-M No.31264 of 2022 by way of mentioning Section 452 IPC in place of Section 352 IPC, while averring that it has been so mentioned therein due to the typographical error.

At this stage, Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, has appeared in pursuance of the copy of the instant application having been sent to the respondent-State in advance and he submits that he has no objection in allowing the present application.

Keeping in view the above-said fact as well as the reasons as mentioned in this application, the same is allowed.

Registry is directed to do the needful in the main original petition itself, accordingly.

CRM-M No.31264 of 2022

The petitioners herein seek the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.150 dated 23.06.2022 registered at Police Station Tanda, District Hoshiarpur, under Sections 323, 341, 342, 148, 149, 506 IPC wherein the offences under Sections 325 & 452 IPC are stated to have been added later-on.

Learned counsel for the petitioners, inter-alia, contend that the petitioners are having a dispute with the complainant party over some land and the civil suit was also going on

between them in this regard which has, now, been decided in favour of the accused party including the petitioners and therefore, the complainant party has been nurturing a grudge against them and due to this reason, the petitioners have been got falsely implicated in the present case. They further contend that even otherwise, petitioner No.1-Surjit Kaur is alleged to have given only fist blows to the injured and moreover, she is ready to join the investigation as and when so required and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Learned State counsel accepts the notice. He seeks time to get proper and complete instructions in this matter from the quarter concerned and if deemed necessary, then to file the status-report also. At this stage, Ms. Ruby Kaur, Advocate, has appeared on behalf of the complainant in this case and has submitted her Power of Attorney in the Court and the same is taken on the record.

Adjourned to 09.09.2022.

Meanwhile, in the event of her arrest, petitioner No.1-Surjit Kaur shall be released on interim bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, petitioner No.1 shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

As per the status report dated 09.09.2022, para No.8 reads as under:

“That it is submitted that petitioner-Surjit Kaur was granted interim bail by this Hon’ble Court, accordingly she joined the investigation in the present case on 01.09.2022 and she was released on furnishing bail bonds as per direction of this Hon’ble Court.”

By referring to the said averment, learned State counsel has not disputed the aforesaid fact of joining of investigation by petitioner No.1 and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner No.1 has joined the investigation and her

allowed and the ad-interim order dated 27.07.2022 by the Co-ordinate Bench of this Court is made absolute qua petitioner No.1-Surjit Kaur.

However, the petitioner No.1 shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner No.1 fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner No.1.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

21.02.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No