

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

207-I

Criminal Misc. No. M-32066 of 2022

Date of decision :-25.07.2023

Mamta Devi and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.87 dated 16.7.2022, under Sections 354-B and 323 IPC read with Section 34 IPC, registered at Police Station Sadar, Gurdaspur.

On 26.7.2022, this Court had passed the following order

:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.87 dated 16.07.2022, registered for offences under Sections 354-B, 323 and 34 of the Indian Penal Code, 1860 (for short "PC"), at Police Station Sadar, Gurdaspur Annexure P-1.

Counsel for the petitioners submits that petitioner No. 1 is the married sister and petitioner No.2 is the mother of Ram Lal. He submits that the

complainant had a dispute with Ram Lal. He contends that except for offence under Section 354-B, IPC, the other offences are bailable. It is his argument that offence under Section 354-B, IPC is not made out against the petitioners as both of them are ladies.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice on behalf of State-respondent. Upon instructions received from ASI, Sohon Lal, he submits that the complainant has suffered two injuries, both of which have been declared to be simple.

List on 17.01.2023.

The petitioners shall appear before the Investigating Officer and join investigation and would appear as and when called by him. In the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from the Investigating Officer states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 26.7.2022 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 25, 2023

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No