

ITEM NO.215/A

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

2023:PHHC:164960
CRM-M-32483 of 2023 (O&M)
Date of decision : 21.12.2023

Alka Bedi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagdish Singh Mahal, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl.Advocate General, Punjab.

Mr. G.S.Simble, 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.77 dated 12.05.2023, under Sections 380, 418, 498, 120-B IPC, registered at Police Station City Batala, District Gurdaspur.

2. Allegations are that the petitioner alongwith co-accused Vikas Kumar @ Vikas Deli had committed theft of an amount of ₹1,50,000/- as well as gold ornaments from the house of complainant.

3. A Coordinate Bench of this Court, on 18.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Learned counsel for the petitioner has placed reliance upon the order dated 05.07.2023 passed in CRM-M-31636-2023 by this Court, whereby concession of pre arrest bail has been extended to the co-accused, namely, Vikas Kumar @ Vikas Deli.

Notice of motion for 06.09.2023.

Meanwhile, the petitioner shall join investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of Code of Criminal Procedure, 1973.”

4. 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 SI Balkar Singh present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioner. Since learned State counsel is not asking for custodial interrogation of the petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.
7. In view of above, interim order dated 18.07.2023 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.

11. Pending application(s), if any, shall also stand disposed off.

21.12.2023

Meenu/Gaurav

(MAHABIR SINGH SINDHU)
JUDGE

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