

CRM-M-38095-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+208/1

CRM-M-38095-2022 (O&M)

Date of Decision: 29.03.2023

Manpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.S. Sarwara, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Harvinder Singh)

Mr. A.S. Barnala, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

CRM-14780-2023

For the reasons mentioned in the application, the application for amendment of head note and prayer clause is allowed. The amended prayer clause reads as under:-

“It is, therefore, respectfully prayed that the present petition may kindly be accepted and the petitioners may kindly be granted the concession of anticipatory bail in the case bearing FIR No.110 dated 28.07.2022 under Sections 354, 354-A, 323, 457 IPC (Sections 376 and 511 IPC added later on) registered at Police Station Shambhu, District Patiala.

Or any other order which this Hon’ble Court may deem fit in the facts and circumstances of the present case may kindly be passed in the interest of justice. ”

CRM stands disposed of.

CRM-M-38095-2022

On 26.08.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.110 dated 28.07.2022, registered for offences under Sections 354, 354-A, 323 and 457 of the Indian Penal Code, 1860, at Police Station Shambu, District Patiala (Annexure P-1).

Counsel for the petitioner contends that the petitioner, who is related to the complainant, is alleged to have physically assaulted her and her husband. Counsel urges that injuries allegedly attributed to the petitioner are simple in nature and the petitioner, who is 30 year old lady, taking care of 2½ year old child, is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State.

List on 25.01.2023.

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

On 25.01.2023, the following order was passed:-

“Learned State counsel submits that petitioners have joined investigation. He further submits that Sections 376 & 511 IPC have been added in the FIR and there is no prayer in the present petition qua Sections 376 & 511 IPC.

Learned counsel for the petitioner submits that Sections 376 & 511 IPC have been added after filing of present petition as well as joining of investigation. He seeks time to carry out necessary amendments in the petition.

The petitioners are directed to join investigation on 30.01.2023 qua newly added Sections.

Adjourned to 24.02.2023.

Interim to continue.

A photocopy of this order be placed on the file of connected case.”

Learned State counsel, on instructions from ASI Harvinder Singh, submits that petitioner has joined investigation and no custodial interrogation is required. He further submits that challan has also been presented.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 26.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

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.

(JAGMOHAN BANSAL)
JUDGE

29.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>