

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

210

CRM-M-41097-2023

Date of decision: 05.10.2023

Komal @ Komal Bansal

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Harita Parthey, Advocate for
Mr. Ishan Gupta, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. On 21.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.107 dated 23.06.2023 registered under Section 306 IPC at Police Station Baghapurana, Moga.

Learned counsel contend that the petitioner was not a creditor of the deceased-Gurpal Singh or his son Gajjan Singh and the allegation in the previous FIR lodged qua deceased Gurpal Singh, were against husband of the petitioner that he had taken an amount of Rs.5 lakh which he owed, however, he was granted bail by the trial Court. Whereas in the present FIR, by way of improvement, the name of the petitioner has also been added with allegations that the above amount was received by both. Co-accused Gagan Chadda @ Gagandeep Singh @ Gaggi, Rinku Kumar and Anitka Sapra, against whom also similar allegations were leveled, have since been granted interim anticipatory bail by this Court vide order dated 02.08.2023. The veracity of the suicide note is yet to be ascertained. The ingredients of Sections 107/306 IPC are not made out. She is not involved in any other case. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 28.08.2023. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 05.10.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. She further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

3. Learned State counsel on instructions from ASI Boota Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. She also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 21.08.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

05.10.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No