

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

211

CRM-M-44703-2022

Date of Decision: 17.02.2023

Sukhjit Kaur @ Sukhdeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Deepak Gupta, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

Reply by way of affidavit of Gurdeep Singh, Deputy Superintendent of Police, Sub-Division Jaitu, District Faridkot filed on behalf of respondent-State is taken on record. Registry is directed to tag at appropriate place.

On 19.01.2023, the following order was passed:-

“On 27.09.2022, following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 27 dated 05.05.2022 under Sections 307, 34 IPC (Section 306 IPC added later on), registered at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner submits that initially the FIR was registered under Section 307 read with Section 34 IPC. Subsequently, the offence was converted under Section 302 IPC. During the course of investigation, the offence has been again altered to 306 IPC.

Notice of motion.

Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State and submits that the deceased was deaf and dumb girl and was in relationship with a deaf and dumb boy. She had given positive answers to the questions that were put to her in statement recorded under Section 164 Cr.P.C. by the learned Magistrate and seeks adjournment to file reply in the matter.

Adjourned to 17.10.2022.

Meanwhile, the reply be filed”.

There was no direction to join investigation.

*In the meantime, keeping in mind law enunciated by Hon’ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics**, (2013) 2 SCC 590; **Arnab Manoranjan Goswami v. State of Maharashtra**, (2021) 2 SCC 427; **Satender Kumar Antil v. CBI** (2022) 10 SCC 51; **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors.**, 2010 SCC OnLine SC 1375; **Shri Gurbaksh Singh Sibbia v. State of Punjab**, (1980) 2 Supreme Court Cases 565; **Arnesh Kumar v. State of Bihar** (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before Investigating Officer on 25.01.2023 and thereafter as directed by Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.*

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

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.

Adjourned to 17.02.2023.”

Learned State counsel submits that the petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 19.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his 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

17.02.2023
Mohit Kumar

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