

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42540-2023

Date of decision: November 30th, 2023

Sunita Rani and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Loveleen Nanda, Advocate
for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab.
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.171 dated 20.06.2023 under Sections 458, 323, 506, 294, 427 of the Indian Penal Code, 1860 and Section 11 of Prevention of Cruelty to Animals Act, 1960, registered at Police Station City Rajpura, District Patiala.

Vide order dated 28.08.2023, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioners, inter alia contends that petitioner-Sunita Rani has been falsely attributed fist blows, while petitionerAbhishek alias Abhi has been falsely attributed kicks on the abdomen of the complainant. He further submits that a fabricated version having been brought forth is evident from

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the fact that in fact it was petitioner-Sunita Rani, who had been attacked by the complainant party and had sustained fracture on her foot. Further submits that though the custodial interrogation of the petitioners is not required, however, they are still willing to join and cooperate with the investigating agency.”

Learned counsel for the petitioners submits that in compliance of order dated 28.08.20123, the petitioners have joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from Investigating Officer, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 28.08.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to him.

November 30th, 2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No