

2023:PHHC:141439

221-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44915-2023 (O&M)
Date of decision : 06.11.2023

Asha Mishra

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Gupta, Advocate for
Mr. Naresh Kalia, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in GD No.30 dated 30.07.2023 under Sections 354, 323 of the Indian Penal Code, 1860 (IPC) registered at Police Station Division No.8, District Jalandhar in FIR No.124 dated 11.06.2023 registered under Sections 354, 323 IPC at Police Station Division No.8, District Jalandhar.

2. On 11.09.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in GD No.30 dated 30.07.2023 under

Sections 354, 323 of the Indian Penal Code, 1860 (IPC) registered at Police Station Division No.8, District Jalandhar in FIR No.124 dated 11.06.2023 registered under Sections 354, 323 IPC at Police Station Division No.8, District Jalandhar.

Learned counsel for the petitioner would contend the present is is a cross-case and in the FIR lodged by the petitioner herein being FIR No.124 dated 11.06.2023, identical allegations were made by the petitioner herein.

Learned counsel for the petitioner would further contend that the accused in the FIR has since been granted the concession of anticipatory bail by this Court. It is further contended that the allegation against the petitioner herein is that she tore the clothes of the victim with an intention to outrage her modesty.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

Learned counsel for the State has pointed out that qua the two injuries received by the victim there is only complaint of pain and there are no external injuries which have been reported in the MLR.

List along with CRM-M-34147-2023 on the date fixed

CRM-M-44915-2023 (O&M)

-3-

therein.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.
4. Learned counsel for the State has stated that the petitioner has since joined investigation and has fully cooperated and that she is no longer required for further custodial interrogation as of now.
5. In view of the above, the order dated 11.09.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.
6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

06.11.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO