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

CRM-M-46978-2022
Date of Decision: 01.03.2023

Bhupinder Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in DDR No.25 dated 06.06.2022, under Sections 304, 201, 182, 120-B of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 in case FIR No.54 dated 17.05.2022, under Sections 302, 452 and 34 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Chohla Saahib, District Tarn Taran.

On 14.10.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Apprehending her arrest in DDR No.25 dated 06.06.2022 under Section 304, 201, 182, 120-B IPC and Sections 25, 27 of Arms Act in FIR No.54 dated 17.05.2022, registered under Sections 302, 452, 34 IPC and Sections 25, 27

Arms Act at Police Station Chohla Saahib, District Tarn Taran petitioner seeks pre-arrest bail.

Counsel for the petitioner inter-alia contends from the bare perusal of the allegations levelled in the DDR No.25 dated 06.06.2022 would reveal that it would be a debatable question as to whether the offence alleged even against Gurjant Singh, main accused falls under Section 304 Part II IPC. So far as the petitioner is concerned the only allegation against her is that she handed over 12 bore gun to her father, who fired a shot which accidentally hit the deceased. Thus the contention is that no substantive offence qua the petitioner is made out.

Notice of motion 01.03.2023.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab. appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Hardial Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 14.10.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

01.03.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No