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

**CRM-M-48792-2022(O&M)
Date of Decision: 21.03.2023**

JASPREET KAUR @ JASWINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rajesh Bhatheja, 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 concession of anticipatory bail to the petitioner in case FIR No.93 dated 30.05.2022 registered under Sections 307, 323 and 34 of Indian Penal code, at Police Station Nihal Singh Wala, District Moga.

On 16.11.2022, the following order was passed by the Co-ordinate Bench of this Court :-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.93 dated 30.05.2022, registered under Sections 307, 323 and 34 IPC, at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner submits that only fist blows on the person of the complainant has been attributed to the petitioner and thus, no offence under Section 307 IPC is made out against the petitioner; that co-accused, namely, Manjit Kumar, has already been granted the concession of bail by the learned Additional Sessions Judge on 09.09.2022 and qua him, challan has already been presented.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 21.03.2023.

Meanwhile, the petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

16.11.2022

(HARNARESH SINGH GILL)

Aman Jain

JUDGE”

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 Harbinder Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his 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 16.11.2022 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 directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

The petition is accordingly disposed of.

21.03.2023

Amandeep

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No