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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 49219-2023
Date of decision: 04.10.2023*Jagjeet Kaur*.....*Petitioner**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 52 dated 03.09.2023, registered under Sections 306, 506 and 34 of the Indian Penal Code, at Police Station Talwandi Chaudhrian, District Kapurthala (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against her. Even as per the story put up by the complainant, there is no positive attribution against the petitioner qua any particular act having been done by the petitioner; which possibly would have resulted in instigating the deceased to commit suicide. The only allegation against the petitioner is that when the matter had reached the Police Station, she had recorded DDR No. 28, for initiation of proceedings under Sections 107/151 of the Code of Criminal Procedure against one of the deceased. Another allegation against the petitioner is that three days

prior to the last incident in the police station, husband of Parminder Kaur, namely Gurmeet Singh had taken away the phone of said Parminder Kaur and handed over the same to the present petitioner. However, even the said phone was returned and the husband and wife had even resorted to a settlement qua continuing their civil litigation instead of coming to the police station. Beyond that, there is no attribution against the petitioner. Even if the above said allegations are taken to be correct, then also offence under Section 306 IPC is not made out against the petitioner. There is no other case against the petitioner. The petitioner is serving in the police department, therefore, there is no chances of her runing away from the process of law or not following the legal mandate. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against her arrest.

3) Notice of motion.

4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent - State. Mr. Rajeshwar Singh Thakur, Advocate appears and files his power of attorney on behalf of the complainant in Court today.

5) Counsel for the State, being instructed by SI Jaspal Singh and being assisted by counsel for the complainant has submitted that two lives have been lost on account of misconduct on the part of the police officials, including the present petitioner. The petitioner was very much posted in the Police Station, where the alleged incident of humiliation and giving beatings to the deceased had taken place. The investigation is at the initial stage. Therefore, the custodial interrogation of the petitioner is imperative in the case.

6) Counsel for the complainant has also submitted that the very genesis of the entire incident is DDR No. 28, recorded in the Police Station for initiation of proceedings under Sections 107/151 Cr.P.C. The said DDR itself was recorded by the present petitioner. Therefore, the petitioner cannot assert that she is not concerned with the case as such. Moreover, there is allegation in the FIR that the present petitioner, along with other police officials present in the police station, had abused the deceased. Therefore, the petitioner has rightly been involved in the case.

7) Having heard counsel for the parties and having gone through the facts and circumstances available on the record, this Court finds that the allegations against the present petitioner are minimal and only in the nature of performance of official duties of recording of DDR. Beyond that the allegation is qua participation in the general abusing by the police officials. There is no specific attribution against the petitioner, which might have been the cause of instigation to the deceased to take such an extreme step of committing suicide.

8) In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

October 04, 2023
mohan bimbura

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