

2023:PHHC:051596
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-55949-2022 (O&M)
Date of decision: 13.04.2023

RAJWINDER KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dheeraj K. Sharmal and Mr. HPS Ishar, Advocates
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.140 dated 30.05.2019, registered under Sections 342, 353, 186, 511, 506 and 34 IPC at Police Station Sadar Dhuri, District Sangrur, Punjab.

On 02.12.2022, this Court had passed the following order:-

“Apprehending her arrest in FIR No.140 dated 30.05.2019, registered under Sections 342/353/186/511/506/34 IPC at Police Station Sadar Dhuri, District Sangrur, Punjab, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the allegation in the FIR relates to creating ruckus in the auction proceedings by raising slogans. Petitioner was not named in the FIR and none has been attributed any specific role. He further relies upon order dated 22.11.2022 passed by this Court in CRM-M-36327-2022, whereby co-accused namely Baljeet Singh has been granted concession of pre-arrest bail.

Notice of motion returnable for 13.04.2023.

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 in pursuance of order dated 02.12.2022, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

Learned State counsel on instructions from ASI Harwinder Pal Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 02.12.2022 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

April 13, 2023

M.Kamra

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>