

208 **2023:PHHC: 157442**
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55846-2023
Date of Decision: 08.12.2023

GURNAM KAUR @ GURNAMO

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. Through instant petition, the petitioner is seeking anticipatory bail to the petitioner in FIR No.179 dated 14.08.2023 registered under Sections 324, 323, 148, 149 and 379 IPC (Section 379-B IPC added later on) at Police Station Dharamkot, District Moga.

2. On 06.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.179 dated 14.08.2023 registered under Sections 324, 323, 148, 149 and 379 IPC (Section 379-B IPC added later on) at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner, inter alia, contends that initially the FIR was registered under Sections 324, 323, 148, 149 and 379 IPC in which no specific role with regard to snatching of ear rings of the complainant was attributed to the present petitioner. However, a supplementary statement was made by the complainant after an inordinate delay of 48 days on the basis of which Section 379-B IPC has been added in the FIR vide Rapat No.28 dated 02.10.2023.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 21.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Jasvir Singh, submits that in compliance of order dated 06.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. In view of the statement of learned State counsel, order dated 06.11.2023 is made absolute. The petitioner shall abide by the terms and conditions as enumerated in Section 438(2) of Cr.P.C.

5. Petition stands disposed of.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

08.12.2023
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(HARPREET SINGH BRAR)
JUDGE

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