

213

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

CRM M-55433-2023

Date of Decision: 19.12.2023

Manjit Kaur @ Baljit Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG., Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No. 96 dated 02.08.2022, under Sections 307, 506 read with Section 34 IPC and Sections 25, 27 of Arms Act, 1959 (Section 302 IPC added later on), registered at Police Station, Dirba, District Sangrur.

2. Allegations are that petitioner raised a *lalkara*; exhorted her husband-Gurdeep Singh not to spare the complainant-Amarjit Kaur as well as her companions from entering into the dera and upon this, Gurdeep Singh fired a gun shot at victim-Tarasveer Singh.

3. This Court vide order dated 06.11.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that regarding alleged occurrence dated 02.08.2022, FIR in question was registered under Section 307 of the Indian Penal Code, 1860, along with other ancillary offences as well as Section 25 & 27 of the Arms Act, 1959. Further contends that petitioner was granted regular bail by the Co-ordinate Bench on 07.12.2023 (P-2), but unfortunately, the injured died on 19.09.2023 and now offence under Section 302 IPC has been added.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG. Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 19.12.2023

In the meanwhile, petitioner shall join investigation before learned Court below within 01 week from today. Upon doing so, he be released on interim bail in the present case till the next date of hearing on furnishing bail and surety bonds to the satisfaction of learned Court concerned."

4. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner joined investigation and her custodial interrogation is not required by the police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI-Suresh Kumar and fairly submitted that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 06.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
10. Disposed off accordingly.
11. Pending criminal misc. application(s), if any, shall also stand disposed off.

19.12.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No