

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219 (II)

CRM-M-58428-2022 (O&M)
Date of decision: 07.02.2023

RAJWINDER KAUR PANCH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Chopra, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Sarju Puri, Advocate
for the complainant.

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.0186 dated 15.11.2022, under Section 306 of the Indian Penal Code, 1860 registered at Police Station Machhiwara District Khanna.

This Court passed the following order on 15.12.2022:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.186 dated 15.11.2022, registered under Section 306 IPC at Police Station Machhiwara, Police District Khanna.

Learned counsel inter alia contends that the petitioner who is a lady Panch, aged 29 years has been performing her duties diligently and honestly and she along with others had filed a complaint against the deceased before the BDPO, which is pending with regard to embezzlement of the funds at the hands of the deceased who was the Sarpanch, dated 10.09.2021, Annexure P-7 and 25.05.2021, Annexure P-2. He was to appear before the Panchayat Secretary along with record

on 23.09.2022, which he was avoiding. Thereafter, the BDPO had called the meeting of the entire Panchayat members on 02.11.2022, 09.11.2022 and 16.11.2022 to discuss about the development and to complete the coram, however Dharmapal (since deceased) had not appeared. He submits that there has been no instigation at the hands of the petitioner, even as per the alleged suicide note which has general allegations with no specific date or time, thus ingredients of the alleged offence are not made out. The petitioner is not involved in any other criminal case and she is being victimized as she along with others had highlighted the embezzlement of funds at his hands. He further relies on the order dated 12.12.2022 passed in CRM-M-57935-2022, wherein similarly situated petitioner, who was also a lady Panch has been granted the concession of interim anticipatory bail.

Notice of motion for 30.01.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 19.12.2022. In the event of arrest of the petitioner, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

Learned counsel for the petitioner submits that in pursuance of order dated 15.12.2022, 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, he shall make himself available without demur.

Learned State counsel on instructions from ASI Avtar Chand 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 15.12.2022 granting interim bail to him, 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 him.

(AMAN CHAUDHARY)
JUDGE

February 07, 2023

M.Kamra/S.Sharma(syr)

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