

220 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-561-2024

Date of Decision: 15.01.2024

Swaran Kaur @ Swarn Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Chandan Singh Rana, Advocate, for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to her in case FIR No.80 dated 20.04.2022, registered under Sections 323, 324, 149, 148 of IPC (Section 307 of IPC was added later on vide General Diary No.24 dated 12.06.2023), at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner submits that no specific injury has been attributed to the present petitioner. He further contends that the injury, which attracted the offence under Section 307 IPC, is attributed to Ram Singh, co-accused. He further contends that it is a case of version and cross version and the question of aggressor is yet to be decided by the trial Court. He further contends that on the basis of the statement made by Ram Singh son of Karnail Singh, a cross version in the shape of DDR No.039 dated 21.04.2022 (Annexure P-1) under Sections 324, 148, 149 of IPC has been registered against the complainant side. Learned counsel further contends that Ram Singh,

complainant/co-accused of the petitioner was medico legally examined and the MLR (Annexure P-2) was prepared. He further contends that injury No.1 suffered by Ram Singh was declared to be grievous in nature and the offence under Section 326 of IPC was added by the police vide General Diary No.25 dated 07.06.2022 (Annexure P-3). He next contends that the FIR in the present case was registered on 20.04.2022 and the offence under Section 307 IPC has been added on 12.06.2023 i.e. after a period of more than one year and one month. He further contends that the petitioner is ready to join the investigation in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious injuries were caused by the present petitioner and his co-accused and the custodial interrogation of the petitioner is required. However, learned State counsel admits that the petitioner was holding a *daang* and had caused injuries to the injured. However, no specific injury was attributed to the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, even though the petitioner is named, but no specific injury has been attributed her. Even the offence under Section 307 IPC has been added in the present case due to the injury, which was allegedly caused by Ram Singh, co-accused. Still further, it is a case of version and cross version. Consequently, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer

to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

15.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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