

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-3524-2024 (O&M)
Date of Decision: 19.03.2024

MANJIT KAUR AND ANR.

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Harnaaz Kaur Hundal, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in cross case arising out of and within the FIR No.97 dated 20.09.2023 registered under Sections 323, 349-B, 427, 506, 148, 149 IPC and Sections 25/27-54-59 of the Arms Act (Section 325 IPC added later on) and cross was included vide DDR No.026 dated 04.10.2023 under Sections 323, 452, 354, 506, 148, 149 IPC by the Police of PS Mehatpur, District Jalandhar Rural, Punjab (Section 354 IPC is mentioned in the cross case version only).

2. Status report by way of affidavit of Amandeep Singh, PPS, Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) has been filed on behalf of respondent-State, which is taken on record.

3. On 02.02.2024, this Court passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in cross case as per GD No.026 dated 4.10.2023 registered under Sections 323, 452, 354, 506, 148, 149 IPC by the police of Mehatpur, District Jalandhar recorded within FIR No.97 dated 29.09.2023 registered at Police Station Mehatpur, District Jalandhar Rural, under Sections 323, 349-B, 427, 506, 148, 149 IPC and 25/27-54-59 Arms Act (Section 325 IPC added later).

On advance notice, Ms. Himani Arora, AAG, Punjab appears on behalf of the State and on instructions from ASI Jaswinder Singh confirms that it is a case of version and cross-version. The petitioners are not attributed any injury even as per the G.D.No.026 dated 04.10.2023 (Annexure P-2) and no overt role is attributed to them. It is also confirmed by the State counsel that the present DDR is the cross-version FIR No.97 dated 29.09.2023 which was registered at the instance of Gian Singh.

Notice of motion for 19.03.2024.

In the meanwhile, the petitioners are directed to join investigation within ten days and in the event of arrest, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

- (i) That the petitioners shall further make himself available for interrogation by a police officer as and when required.
- (ii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iii) That the petitioners shall not leave India without the prior permission of the Trial Court/CJM concerned.”

4. Learned counsel for the petitioners further contends that the petitioners had joined the investigation in pursuance to the order dated 02.02.2024 passed by this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Jaswinder Singh confirms that the petitioners have joined the investigation. As per status report, Section 325 IPC was added vide DDR No.15 dated 03.11.2023 and Section 379-B IPC was deleted vide DDR No.29 dated 16.10.2023.

6. There is a case of version and cross version and petitioners are not attributed any injury. Keeping in view the reasons recorded in the order dated 02.02.2024 and keeping in view the fact that the petitioners have joined investigation, their custodial interrogation is not required by the Investigating

Agency, the present petition is allowed and the order dated 02.02.2024 granting interim bail to the petitioners is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

19.03.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No