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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4795-2024
Date of decision: 26.04.2024

Jamila Khatun ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. F.S. Virk, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Manna Singh, Advocate for
Mr. G.S. Salana, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having GD No.28 dated 28.03.2021 registered under Sections 323, 294, 302, 325, 148, 149 in main case FIR No.42 dated 28.03.2021 under Sections 323, 324, 294, 148, 149 of IPC (Section 326 added later on) at Police Station Naya Gaon, District SAS Nagar (Mohali).
2. The allegations in nutshell are that at the time of occurrence, petitioner, her husband Jehrudin Ansari and son Salman Ansari started abusing and giving beatings to parents of complainant Sandhya, on which the complainant and her brother Jitender tried to rescue them from the hands of accused persons and thereafter when the complainant and her family were coming back to their home, the petitioner, her husband

Jehrudin Ansari, son Salman Ansari, Subarti Ansari and mehtab and one unknown person came there and attacked family of the complainant and Salman Ansari gave bat blows on head, arm and back of Raj Kumari mother of the complainant and when father and brother of complainant tried to save her, Salman Ansari attacked them with bat. Salman Ansari gave brick blow to mother of the complainant and then Salman Ansari gave brick blow to complainant and petitioner, Jehrudin Ansari and Mehtab gave kick blows to Raj Kumari while Salman Ansari gave bat blow to father of the complainant. The injured were taken to local hospital from where Raj Kumari was referred to PGIMER, Chandigarh and she died during treatment.

3. Counsel for the petitioner submits that petitioner who is a lady, is falsely implicated in the present case and has already joined investigation with the police on the basis of order of interim bail dated 14.02.2024. It is further submitted that co-accused Salman Ansari and Jehrudin Ansari are already facing trial wherein all the material witnesses failed to support the case of prosecution and copies of their depositions are Annexures P-4 to P-7. It is further submitted that the case involves version as well as cross version and FIR in this case was registered on the basis of statement of husband of the petitioner namely Jehrudin Ansari and copy of the same is Annexure P-1 whereas cross version is recorded vide Annexure P-2 on the basis of statement of Sandhya.

4. The State counsel on instructions from ASI Sulakhan submits that petitioner has joined investigation with the police and is not required for any further investigation by the police.

5. Counsel appearing on behalf of the complainant has pleaded no objection in case, the present petition is allowed and petitioner is granted anticipatory bail and he has also admitted depositions Annexures P-4 to P-7 and the fact that the case is involving version and cross version.
6. In light of the above, this Court is of the view that no purpose is going to be served even if at this stage, the petitioner is subjected to custodial interrogation.
7. For the foregoing reason, without expressing any opinion on the merits of the case, the present petition is allowed and order of interim bail dated 14.02.2024 is made absolute. The petitioner is to abide by the conditions as are provided in Section 438 (2) Cr.P.C.

26.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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