

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-4598-2024 (O&M)
Date of Decision: 29.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 35 dated 09.04.2023 registered under Sections 302, 506, 148, 149 of Indian Penal Code (Sections 302, 506, 148 of IPC were deleted and Section 304 of IPC were added later on) at Police Station Kathu Nangal, District Amritsar.
2. On 30.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.35 dated 09.04.2023 registered under Sections 302, 506, 148, 149 IPC (Sections 302, 506, 148 IPC were deleted and Section 304 IPC was added vide Rapat No.28) at Police Station Kathu Nangal, District Amritsar.

Learned counsel for the petitioner, inter alia, contends that the petitioner is a household lady and she has been falsely implicated in the present case. No specific role or overt act has been attributed to her. As per the postmortem report, the cause of death could not be ascertained. As such, invocation of Section 304 IPC would

be debatable. It is further contended that the petitioner is not involved in any other case and similarly situated coaccused namely Bikramjit Singh @ Vikram Gill has been granted anticipatory bail by a Coordinate Bench of this Court in CRM-M No.33342 of 2023 titled as Bikramjit Singh @ Vikram Gill Vs. State of Punjab decided on 29.08.2023.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 06.02.2024 and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 29.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Rachpal Singh, submits that in compliance of order dated 30.01.2024 passed by this Court, the petitioner has joined the investigation and she is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 30.01.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

29.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No