

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8669-2024
Date of decision: 08.04.2024

PARMINDER KAUR ALIAS PAMINDER KAUR
....Petitioner

Versus

STATE OF PUNJAB AND ANR
...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Rajat Verma, Advocate for
Mr. Munish Raj Chaudhary, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
542	09.11.2021	302, 34 of IPC	City, Barnala, District Barnala.

2. Learned counsel for the petitioner submits that in compliance to the order passed by this Court on 20.03.2024, the petitioner has appeared in the trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 25.03.2024 passed by learned Judicial Magistrate Ist Class, Barnala.
3. This aspect is not disputed by learned State counsel.
4. During the course of hearing on 20.03.2024, following order

was passed:

“1. *Affidavit of Deputy Superintendent of Police, Sub Division Barnala dated 14.03.2024 has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.*

2. *Perusal of the reply reveals that the petitioner was found innocent during investigation and even at the time of filing of challan, she was kept in column No.2 and was not challaned. The challan has already been presented in Court against the co-accused Harvir Singh and the petitioner has been summoned in pursuance to an application moved under Section 319 CrPC during the course of trial. He submits that the next date fixed in the trial Court is 28.03.2024.*

3. *In view of the above, without commenting of the merits thereof, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, on or before 28.03.2024. In that event, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

4. *List on 08.04.2024.”*

5. It transpires from the perusal of the file that originally the petitioner was not challaned by the police after the completion of investigation and was kept in column No.2 therein. However, the petitioner has been summoned in pursuance to the application under Section 319 Cr.P.C. moved during the course of trial and further the petitioner has already appeared in the trial Court and furnished the requisite bail bonds and her cusotdial interrogation is not required.

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had appeared before the learned trial Court in compliance of the order dated 20.03.2024 passed by this Court, and furnished requisite bail/surety bonds and that the petitioner has been summoned by learned trial Court to face trial under Section 319 Cr.P.C. Consequently, interim bail granted vide order dated 20.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

08.04.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |