

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9943-2024
Date of decision: 15.03.2024

NIRMAL KAURPETITIONER(S)

VERSUS

STATE OF PUNJAB ...RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

1. Reply dated 15.03.2024 in the form of an affidavit of Deputy Superintendent of Police, Dharamkot (Moga), has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Sections	Police Station
68	20.04.2023	457, 380 of IPC	Dharamkot, District Moga.

3. Learned counsel for the petitioner submits that in compliance to the order dated 26.02.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 26.02.2024.

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4. Learned State counsel, on instructions from ASI Malkeet Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor she is required for further investigation.

5. During the course of hearing on 26.02.2024, following order was passed:

“2. It is, *inter alia*, contended by learned counsel for the petitioner has been falsely implicated in this case at the instance of complainant who is none other than her sister in law, living in the same premises. He further contends that the contents in the FIR are itself doubtful taking into consideration the unexplained delay of 15 days in lodging of the FIR, moreover, the husband of the petitioner has since been arrested. He further contends that the petitioner has no criminal antecedents and she is ready to join the investigation.

3. Notice of motion, returnable for 15.03.2024.

4. On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Jasbeer Singh, does not dispute the factual matrix. He prays for time to file the status report/reply in the matter.

5. Needful be done well before the date fixed with an advance copy to the counsel opposite.

6. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

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6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor she is required for any custodial interrogation, interim bail granted vide order dated 26.02.2024 is hereby confirmed subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; 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

15.03.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |