



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.17901 of 2024
Date of decision: 27.05.2024

KOMAL GILL		 Petitioner
	Versus	
STATE OF PUNJAB		 Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Arnav Kumar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

Mr. Sukhbir Manddi, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 34, dated 05.03.2024, under Sections 341, 323, 354, 379, 506 and 34 of IPC (Sections 325 and 201 of IPC as added later on) at Police Station Moti Nagar, District Police Commissionerate Ludhiana.
2. Vakalatnama filed on behalf of the complainant is taken on record.
3. Vide order dated 10.04.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 10.05.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner seeking pre-arrest bail in case arising out of FIR No.34 dated 05.03.2024 registered under Sections 341, 323, 354, 379, 506 and 34 of IPC (Section 325 added later on) at Police Station Moti Nagar,

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District Police Commissionerate Ludhiana on the basis of statement recorded by the complainant-Mahinder Singh alleging therein that on 27.02.2024 at about 9:30 A.M., he along with his wife was standing outside his house when the present petitioner along with her husband who are residing in his neighbourhood, came to them while carrying sticks and assaulted upon them thereby, causing injuries to them. Husband of the present petitioner hurled abuses to the wife of the complainant by using obscene words and tore off her shirt and her right arm was also fractured. The cause of grudge as narrated by him was that the petitioner and her husband were illegally occupying the house belonging to the complainant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. Her custodial interrogation is not required and she is ready to join the investigation. The offences under Sections 354 and 379 of IPC have not been made out against her.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 24.05.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter.

In the event of her arrest, the Investigating/Arresting Officer shall



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release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C”

4. Status report dated 27.05.2024 filed by the respondent-State is taken on record. As per the status report offences under Section 201 and 325 have been added later on vide GD No.7 dated 21.03.2024 and DDR No.17 dated 07.03.2024, respectively. As per this report, the petitioner has joined investigation on 23.04.2024. The investigation qua newly added offences has also been joined by him. Though, it is submitted that the petitioner along with her husband had destroyed the CCTV cameras installed outside the house of the respondent-complainant and took the same away.

5. Learned State counsel assisted by learned counsel for the complainant has submitted that recovery of those destroyed cameras is yet to be effected. However, in the opinion of this Court, non-recovery is not a ground to deny the benefit of pre-arrest bail to an accused. No useful purpose would be served by detaining the petitioner in custody. All the basis of offences as alleged against her are triable issue before the Magistrate.

6. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 10.04.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(MANISHA BATRA)
JUDGE

27.05.2024

Jyoti-IV

Whether speaking/reasoned:
Whether reportable :

Yes/No.
Yes/No