



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18904-2024 (O&M)
Date of order: 14.05.2024

Rajwant Kaur & another
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Amit Arora, Advocate
for the petitioner(s).
Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
2	7.1.2024	Sadar, tarn Taran, District Tarn Taran	420, 467, 468, 471, 120-B IPC and Section 7 of PC Act, 1988 (As amended by Act of 2018).

1. The petitioners apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 19.4.2024, the petitioners were granted interim protection, which is continuing till date.
3. The petitioners’ counsel contends that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. The State’s counsel opposes the bail and states that considering the allegations, the petitioners’ custodial interrogation is necessary.

REASONING:

5. Allegations against the petitioners is that they had wrongly identified Manpreet Singh, who was facing trial under Section 302 IPC and due to this, wrong verification was done for preparation of passport.



6. Given nature of allegations that the petitioners' role was that they were only signatories to identification of address, it is not a case for custodial interrogation or pre-trial incarceration. Moreover, the petitioners were granted interim protection on 19.04.2024, and in the interregnum, there is no allegation that they had hampered the investigation, or despite being called to join the investigation, they did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioners' complying with the terms of the bail order and the following additional conditions.

7. The petitioners are directed to join the investigation as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioner shall not be called before 8 AM, let off before 6 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

8. The petitioners shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

9. During the trial's pendency, if the petitioners repeat or commit any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not canceled due to non-appearance or breach of conditions.

10. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior. It is clarified that in case the petitioners do not mend their ways and repeat the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had afforded a final opportunity to the petitioner to reform and live a normal life but did not improve.



11. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation as per law.
12. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offence in this FIR, and if the new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days providing an opportunity to avail the remedies available in law.
13. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.
14. There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition is allowed in aforesaid terms and interim order dated 19.4.2024 is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 14, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No