



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18760-2024(O&M)
Date of decision: 27.05.2024

Kuljit Kaur
...Petitioner

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab.
Mr. S.C. Patial, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') has been filed for grant of pre-arrest bail to the petitioner in FIR No. 08 dated 04.03.2024, under Section 307 read with Section 34 of Indian Penal Code, 1860, registered at Police Station, Ghuman Kalan, District Gurdaspur.

(2) Allegations are that due to some verbal altercation, co-accused, namely, Davinder Singh @ Goglu attacked the complainant with knife on left side of his stomach and he fell down. Then petitioner gave fist blows to complainant; thus, both petitioner as well as co-accused inflicted injuries to him.

(3) Short reply dated 15.05.2024 by way of affidavit of Shri Gurwinder Singh, PPS, Deputy Superintendent of Police, Kalanaur, District Gurdaspur has been filed on behalf of respondent-State, which is taken on record. Copy supplied to the other sides. Registry to tag the same at appropriate place.



(4) Contends that this Court granted interim bail to the petitioner on 19.04.2024 and in terms thereof, she has already joined the investigation and her custodial interrogation is not required.

(5) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

(6) Learned counsel for the complainant opposes the prayer made by learned counsel for the petitioner.

(7) Heard learned counsel for the parties and perused the paper-book.

(8) This Court on 19.04.2024 while issuing notice of motion passed the following order:-

“Contends inter-alia that petitioner has only been attributed a lalkara.

Notice of motion..

On asking of the Court, Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 27.05.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure, 1973.”

(9) It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

(10) Although learned counsel for the complainant has opposed the prayer of the petitioner, but learned State counsel has not raised any objection to



that effect, hence, the contention of learned counsel for the complainant is rejected.

(11) In view of above, interim order dated 19.04.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(12) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(13) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(14) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

(15) Disposed off accordingly.

(16) Pending application(s), if any, shall also stand disposed off.

27.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No