



215-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27334-2024 (O&M)
Date of decision: 24.09.2024

Simmy Bala
State of Punjab

Versus

...Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 28.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.227 dated 30.08.2019, under Sections 323, 324, 325, 379, 201, 506, 148 and 149 of IPC, registered at Police Station Sadar, Amritsar.

Learned counsel for the petitioner contends that the only attribution to the petitioner is to have raised lalkara on seeing the complainant party. It is further contended that co-accused Anmol, Kulbhushan Sharma, and Ranbir Singh @ Rana have already been allowed anticipatory bail by this Court vide order dated 09.02.2023 passed in CRMM-38540-2022 (Annexure P-5); order dated 22.03.2023 passed in CRM-M33289-2022 (Annexure P-6); and order dated 19.04.2024 passed in CRM-M12274-2024 (Annexure P-7), respectively. Learned counsel contends that petitioner is ready to join the investigation. It is



also stated that the matter has already been compromised between the parties, copy of that compromise is Annexure P-2. Learned counsel contends that even the petition has already been filed before this Court for quashing of the FIR in question on the basis of the compromise, in which this Court had directed the parties to appear before the Court concerned for getting their statements recorded in respect of the compromise.

Notice of motion.

Mr. Vinay Kumar Malhotra, DAG, Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 21.08.2024 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. She will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, she shall be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”

2. However, again on 21.08.2024, when it has come on record that despite the directions issued vide order dated 28.05.2024, by this Court, the petitioner had not joined the investigation. The petitioner was granted one more opportunity to join the investigation, and was directed to fully cooperate with the Investigating Agency. Vide order dated 28.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“At the very outset, learned State counsel, on instructions imparted to him by ASI Seewa Singh, submits that despite the directions issued vide order dated 28.05.2024, by



this Court the petitioner has not joined the investigation.

Faced with the above difficulty, learned counsel for the petitioner submits that the petitioner may be granted one more opportunity to join the investigation, and he assures this Court that the the petitioner will join the investigation and will fully co-operate with the investigating officer.

In view of the above statement suffered by learned counsel for the petitioner, the petitioner is directed to join the investigation within 10 days from today, with the investigating officer concerned and is also directed to fully co-operate with him.

It goes without saying that in case the petitioner fails to join investigation and co-opearte with the investigating officer, the Court would decide the instant matter on its own merits.

Adjourned to 24.09.2024, to await the outcome of the investigation.

Interim order to continue.

To be heard alongwith CRM-M-7384-2024.”

3. Today, the learned State counsel has, on instructions imparted to him by ASI Sewa Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 28.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;



(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

24.09.2024

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No