



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37146-2024
DECIDED ON: 02.08.2024

ROSHNIPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gursimran S. Bawa, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of regular bail to the petitioner in FIR No.48, dated 13.05.2024, under Sections 451, 427, 341, 323, 506, 148, 149 IPC and subsequently added Sections 324, 326 IPC, registered at Police Station Maqboolpura, District Amritsar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Atar Singh son of Dhir Singh resident of Village Lalu Ghuman, Chabhal, Tarn Taran aged about 25 years Mob No. 88474-60736 stated that I am the resident of the abovementioned address and I am engaged by the excise department on a private basis. Today on 13.05.2024 around 8 PM I along with my team members had gone to check liquor vends and when we started checking the liquor vend at Maqboolpura then Buta along with his wife, Manna along with his wife, Raju and 5-7 unidentified persons who are indulged in selling illicit liquor came there and encircled us and started beating us by throwing brickbats and stones towards us, due to which I got injured. Then they started

throwing brickbats and stones at the liquor vend due to which the liquor vend was also damaged and all of them started giving us death threats due to which we ran away from the spot to save our life. I have come before you so that legal action can be taken against the accused persons. My statement is heard and the same is correct. Sd/- Avtar Singh Attested by Sd/- Rajesh Kumar SI Police Station Maqboolpura Amritsar Dated 13.05.2024. Police Proceedings today I SI along with ASI Harjeet Singh 2233/ASR, ASI Bikramjeet Singh 1115/ASR, S/CT Jaideep Singh 1466/ASR, CT Balraj Singh 958/ASR and CT Daulatbir Singh 1899/ ASR were Patrolling in search of bad elements along with laptop and printer and we were present at Tahli wala morh Mehta Road Amritsar where Avtar Singh son of Dhir Singh resident of Village Lalu Ghuman, Chabhal District Tarn Taran came and got recorded his statement. The statement was heard over to him and then the complainant appended his signatures in Punjabi by affirming it to be correct. As per the statement, offenses falling under sections 451, 427, 341, 323, 506, 148, 149 IPC are made out. Statement is sent to the police station for registration of FIR through S/CT Jaideep Singh 1466/ASR. After the registration of FIR, its number should be informed. Control Room and senior officials should also be informed. I SI along with my fellow employees and complainant Atar Singh are going to the spot.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as no specific role is attributed to the petitioner. He further contends that the petitioner was nominated in the instant FIR only because of her mere presence at the spot. It has been further asserted that nothing is to be recovered from the present petitioner, therefore, her custodial interrogation is not required. It has been argued that she is not involved in any other case and is ready and willing to join the investigation without any delay.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer ASI Kamaljit Singh, opposes the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner is serious in nature as she alongwith other accused persons have caused serious injuries on the person of the complainant while he was conducting checking of the liquor vends on behalf of the Excise Department.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties and considering the fact that no specific role has been attributed to the petitioner; nothing is to be recovered from the present petitioner, for which the custodial interrogation of the petitioner is not required, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as she is ready and willing to join the investigation and cooperate with the investigating officer for furtherance of the investigation.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

- (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) *such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

02.08.2024

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>