

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44797 of 2023
Date of decision: 11th January, 2024

Gurdev Kaur & others
... Petitioners
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kashav Chadha, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioners.
Mr. Arun Luthra, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.75 dated 18.05.2019 for the offences under Sections 302, 148, 149 IPC registered at Police Station Baghapurana, District Moga.
2. On the last date of hearing, i.e. 06.09.2023, while noticing the following submissions made by learned counsel for the petitioners, this Court had directed them to surrender before the trial Court which would admit them to interim bail.

“Learned counsel inter alia contends that during investigation the petitioners were found innocent, and thus, they were placed in column No.2. He further submits that the petitioners were, however, subsequently summoned under Section 319 Cr.P.C. to face trial as additional

accused, therefore, now there was a genuine apprehension on their part that they could be arrested and sent to custody as and when they appeared on the next date fixed before the trial Court i.e. 11.09.2023. Learned counsel has further submitted that in the above facts and circumstances, custodial interrogation of the petitioners would not serve any useful purpose.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 06.09.2023, the petitioners had put in an appearance before the trial Court and have been granted the concession of interim bail by the trial Court.

4. Learned State counsel, on instructions from HC Harjit Singh, does not dispute the factum of the petitioners having appeared before the trial Court and thereafter, being admitted to interim bail by the trial Court.

5. In the circumstances, the petition is allowed and the interim order dated 06.09.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

January 11, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No