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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51627-2023 (O&M)

Date of decision : 25.01.2024

Maniksha

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manbir Singh Basra , Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by Inspector Walaiti Ram.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in DDR No.19 dated 22.10.2021, under Sections 323, 341, 379-B, 506, 148 read with Section 149 of the Indian Penal Code, 1860, in FIR No.360 dated 21.10.2021, registered at Police Station, City Kharar, District SAS Nagar (Mohali).

2. Allegations are that petitioner along with other co-accused gave beatings to the complainant and other victims, snatched gold chain as well as earrings and criminally intimidated them.

3. A Coordinate Bench, on 11.10.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in cross version DDR No.19 dated 22.10.2021 in FIR No.360 dated 21.10.2021,

registered under Sections 323, 341, 379-B, 506, 148 and 149 IPC, at Police Station City Kharar, District SAS Nagar (Mohali).

Learned counsel contends that the dispute between the petitioner and the complainant side is regarding their area of taking greetings. The present DDR is in the FIR that was lodged a day prior by the petitioner party against the present complainant and other-co accused, wherein the allegations were of giving beatings by unidentified bouncers and snatching of gold items. The allegations against the petitioner are though of having a revolver, however, the same was not fired and all other alleged injuries were simple in nature. The petitioner is involved in 2 more FIRs, wherein bail has been granted and is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State and Mr. Kuldip Singh Chaudhary, Advocate accepts notice on behalf of the complainant.

Adjourned to 23.11.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 20.10.2023. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and her custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from Inspector Walaiti Ram and further submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 11.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

8. 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.

9. Disposed off accordingly.

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

25.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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