

CRM-M-52739-2023 (O&M) 2024:PHHC: 063681 - 1 -

205/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52739-2023 (O&M)
DATE OF DECISION : 07.05.2024

DALBIR KAUR @ BIRO & OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gobind Singh Randhawa, Advocate for the petitioners.

Ms. Himani Arora, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.092 dated 21.05.2023 under Sections 452/323/354/506/148/149 IPC registered at Police Station Beas, Police District Amritsar (Rural), District Amritsar.

2. On 17.10.2023 following order was passed:

“xxxx Learned counsel for the petitioners contends that the petitioners have falsely been implicated in the instant case. The petitioners have not been named in the FIR. The allegations against the co-accused are to the effect that they had outraged the modesty of the complainant and inflicted injuries on the person of Jaspal Singh. Even, Jaspal Singh, has sworn an affidavit (Annexure P-2) indicating the false implication of the co-accused. The petitioners have been nominated on the basis of disclosure statement of co-accused Jinder and Kuldeep Singh.

3. Furthermore, subsequently another FIR No. 93 dated 21.05.2023, under Sections 307, 353, 186, 332, 342, 148, 149 and 506 IPC has been registered at Police Station Beas, District Amritsar (Rural) wherein the petitioners have been directed to be released on interim bail in terms of order dated 06.10.2023 passed in CRM-M-50339-2023 (Annexure P-3). The co-accused namely Kulwant Singh and Vikram Singh have been granted interim bail by this Court in terms of order dated 06.10.2023 passed in CRM-48645-2023 (Annexure P-4).

4. Notice of motion.

5. Ms. Ruchika Sabharwal, DAG, Punjab, accepts notice on behalf of the respondent-State and seeks adjournment to submit reply in the matter.

6. Adjourned to 20.12.2023.

7. In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure. xxx”

3. Learned counsel for the petitioners contends that the petitioners have joined the investigation in compliance of the order passed by the Co-ordinate Bench of this Court.

4. Learned State counsel, on instructions from ASI Balwinder Singh, has also confirmed that all the petitioners have joined investigation on 24.02.2023. Investigation report/challan under Section 173 Cr.P.C. has been submitted against the co-accused of the petitioners before the Area Magistrate. It is further contended that the petitioners are involved in FIR No. 93 dated 21.05.2023, under Sections 307, 353, 186, 332, 342, 148, 149 and 506 IPC, registered at Police Station Beas, District Amritsar (Rural) but they have not been declared proclaimed offender in any case. Learned State counsel has further confirmed that the petitioners have been released on bail even in the said FIR No. 93 dated 21.05.2023.

5. In view of the reasons recorded in the order dated 17.10.2023 and in view of the fact that petitioners have joined the investigation, they are on bail even in the subsequent FIR and their custodial interrogation is not required since investigation qua the co-accused of the petitioners is already complete, as such, the present petition is allowed and the order dated 17.10.2023 granting interim bail to the petitioners is made absolute, subject

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

07.05.2024 (HARPREET KAUR JEEWAN)
Janki JUDGE

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