

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214-2

CRM-M-58268-2023

Date of decision: 27.02.2024

Rajwant Kaur

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.314 dated 04.10.2023, under Sections 306/120-B IPC registered at Police Station Division 'B', District Police Commissionerate, Amritsar (Annexure P-1).

2. On 21.12.2023 the following order was passed:-

"This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.314 dated 04.10.2023 under Sections 306/120-B of the Indian Penal Code, 1860, registered at Police Station Division 'B', District Police Commissionerate, Amritsar (Annexure P-1).

Learned counsel for the petitioner would contend that similarly situated co-accused has since been granted the interim protection by this Court vide order dated 19.10.2023 in CRM-M-53313-2023 (Annexure P-3).

Notice of motion. On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the State. Learned counsel for the State is not in a position to deny the fact that the petitioner is similarly situated to the petitioner in CRM-M-53313-2023.

List on 27.02.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to

interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with CRM-M-54862-2023.”

3. Learned State counsel, on instructions from ASI Narinder Singh, has stated that pursuant to the order dated 21.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of the above, the interim order dated 21.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner 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. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 27, 2024
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No