

CRM-M-59092-2023

Date of decision : 16.02.2024

Mamta

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Lovish Rattan, Advocate for the petitioner.

Mr. Jagjit Singh, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 23.11.2023, the following order was passed :-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Section(s)
228	25.10.2023	Chheharta, District Amritsar	452, 295, 323, 148, 149, 506 IPC

Counsel for the petitioner submits that the allegation against the petitioner is that she obstructed the complainant, who is President of Milap Avenue Sewa Society during a campaign against the drug peddlers and attacked him. Counsel submits that the petitioner, who is 42 years old lady is alleged to have hit the complainant on his waist with a wooden stick. He urges that the petitioner, who enjoys clean antecedents is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr.Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent – State.

List on 16.02.2024.

Petitioner is directed to appear before the Investigating Officer on 08.12.2023 at 10:00 A.M. at Police Station Chheharta, District Amritsar, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Satnam Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 23.11.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the 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.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Petition stands disposed off accordingly.

February 16, 2024
Dpr

(Pankaj Jain)
Judge

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