

2024:PHHC:011063

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-59090-2023
Date of decision : 25.01.2024

Kulwinder Kaur Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Meena, Advocate for
Mr. Amit Arora, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 23.11.2023, following
order was passed:-

“Apprehending her arrest in FIR No.148,
dated 07.10.2023, registered for offences
punishable under Sections 307, 379-B, 148, 149 of
the Indian Penal Code, 1860 at Police Station
Bhikhiwind, District Tarn Taran, the petitioner has
preferred this petition under Section 438 Cr.P.C.
seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia
contends that the role assigned to the petitioner is
only w.r.t. inflicting kick blows and there is already
a cross-version that too on the allegation that it was
the petitioner whose modesty was outraged.

Issue notice of motion, returnable for
25.01.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab
appears and accepts notice on behalf of the

2024:PHHC:011063

respondent/State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from ASI Kuldeep Singh, has stated that pursuant to the order dated 23.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 23.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.

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, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

2024:PHHC:011063

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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

25.01.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No