

CRM-M-64549-2023
Date of decision: 02.02.2024

...PETITIONER

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.179 dated 14.08.2023 registered under Sections 324/323/148/149/379 of Indian Penal Code (Section 379-B of IPC added later on) at Police Station Dharamkot, District Moga.

2. On 21.12.2023, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.179 dated 14.08.2023 under Sections 324/323/148/149/379 of IPC (Section 379-B of IPC added later on) registered at Police Station Dharamkot, District Moga (Annexure P-1).

Learned counsel for the petitioner inter alia contends that initially the FIR was registered under Sections 324/323/148/149/379 of IPC in which no specific role was attributed to the petitioner with regard to the snatching of earrings of the complainant. However, supplementary statement was made by the complainant after an inordinate delay of 48 days on the basis of which offence under Section 379-B of IPC has been added in the FIR vide DDR dated 02.10.2023. He further submits that similarly situated co-accused, namely, Gurnam Kaur @ Gurnamo and Makhan Singh have been granted anticipatory bail vide order dated

06.11.2023 and 08.12.2023, respectively.

Notice of motion.

On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 02.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel, on instructions from ASI Jaswant Rai, submits that in compliance of order dated 21.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 21.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. The petition is accordingly allowed.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

February 02, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |