

**(2011) 03 P&H CK 0765**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CRM-M 37902 of 2010

Balwinder Kaur @ Baby and  
Others

APPELLANT

Vs

State of Punjab

RESPONDENT

---

**Date of Decision:** March 14, 2011

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 325

**Hon'ble Judges:** Alok Singh, J

**Bench:** Single Bench

**Final Decision:** Allowed

---

### **Judgement**

Alok Singh, J.

This is an application seeking anticipatory bail in case FIR No. 60 dated 10.11.2010 under Sections 326/325/324/323/148/149 of the Indian Penal Code, Police Station Tarsikka, Amritsar (Rural), District Amritsar.

2. Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, on the instructions of SI Arun Sharma, states that Petitioners have joined the investigation and custodial interrogation is not required in the present case.

3. Learned Counsel for the complainant has vehemently opposed the bail application stating that present is the second incident/offence committed by the Petitioners, therefore, they may not be enlarged on anticipatory bail.

4. Learned Counsel for the Petitioners has vehemently argued that Petitioners have not mis-used the interim bail dated 23.12.2010. He has further stated that Petitioners themselves have surrendered before the Investigating Officer and have handed over datar to the police. Learned Counsel for the Petitioners has further argued that as per dictum of the Hon'ble Apex Court in the matter of Siddharam

Satlingappa Mhetre v. State of Maharashtra and Ors. 2011(1) RCR (Cri) 126, irrational and indiscriminate arrest must be avoided. He has further argued that Hon"ble Apex Court in the matter of State of Kerala v. Raneef 2011(1) RCR (Cri) 381 has observed that in the event of rejection of the bail application, time spent in the jail during the trial cannot be restored to the accused in the event of acquittal of the accused by the trial Court.

5. Petitioners were granted interim bail by this Court vide order dated 23.12.2010.

6. Considering totality of the facts and circumstances of the case, petition is allowed. Order dated 23.12.2010 is made absolute, subject to the conditions mentioned u/s 438(2) Code of Criminal Procedure. However, it is clarified that Petitioners shall keep on co-operating in the investigation and if they fail to do so, Investigating Officer shall be at liberty to get the bail cancelled.