

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-19901 of 2015
Date of Decision : 2.7.2015

Poonam

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Sandeep Kumar Yadav, Advocate for the petitioner.
Mr. M.K. Sangwan, DAG, Haryana.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks pre-arrest bail in FIR No.403 dated 11.8.2013
under Section 379 IPC registered at Police Station City, Narnaul.

Notice of motion was issued.

Learned counsel for the petitioner submits that neither the
petitioner was named in the FIR nor any allegation of any kind was levelled
against her at any point of time. He also submits that even after the alleged
disclosure statement made by the co-accused, nothing was recovered from the
petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions
from HC Sukhbir Singh, Police Station City, Narnaul, submits that the
petitioner is not entitled for the concession of anticipatory bail and he prays for

dismissal of the present petition.

Having heard learned counsel for the parties and after going through the record of the case, this court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of pre-arrest bail. It is so said because the petitioner has not been named in the FIR. No allegation of any kind has been levelled against the petitioner. The alleged disclosure statement followed by no recovery from the petitioner would be a debatable issue during the course of trial.

In view of the above and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. In the event of arrest, petitioner shall be released on anticipatory bail, however, subject to the conditions of Section 438(2) Cr.P.C., to the satisfaction of the arresting/investigating officer.

Disposed of, accordingly.

2.7.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE

