

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-9473 of 2015 (O&M)

Date of Decision: 18.05.2015.

Sunita

... Petitioner

Versus

Kirti & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in a complaint case No.350 dated 26.11.2011, under Sections 307/364/506 IPC, pending in the Court of learned Judicial Magistrate 1st Class, Gohana.

While issuing notice of motion on 24.03.2015, the following order was passed by this Court:

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking the concession of anticipatory bail to the petitioner, who has been summoned in a complaint case No.350 dated 26.11.2011 under Sections 307/364/506 of the India Penal Code.

Counsel would refer to the complaint placed on record at Annexure P-5, which is at the hands of Kirti (Minor) through her guardian namely Chander Bhan and who in turn is the father-in-law of the present petitioner. As per complaint, the petitioner is stated to be aunt (tai) of the complainant and the

alleged occurrence is stated to be taken place on 04.06.2011 at about 12 O' clock noon. Further allegations are that with an intention to kill the complainant, the accused (present petitioner) had put kerosene oil and tried to set Kirti (minor) on fire.

Counsel would submit that the complaint is totally malicious and false and towards such submission, would submit that a DDR dated 04.06.2011 had been entered at the instance of the present petitioner against Chander Bhan and others and the occurrence of causing injuries to the present petitioner was stated to be at 10.15 A.M. Further reference is made to the MLR at Annexure P-2 which would reflect that the petitioner had accompanied the concerned police official on 04.06.2011 itself at 1.30 P.M. and which would show the nature of injuries. Furthermore, at Annexure P-3 is the copy of the Bed Head Ticket from Pt. B.D. Sharma, PGIMS Rohtak, which would show that the petitioner remained admitted in hospital from 04.06.2011 till 06.06.2011. Contention raised is that the documents at Annexures P-1, P-2 and P-3 collectively demonstrate the complaint at Annexure P-5 to be false.

Notice of motion, returnable for 18.05.2015.

In the meanwhile, petitioner is directed to appear before the trial Court on or before the date already fixed i.e. on 06.05.2015 and would be entitled to interim protection subject to the satisfaction of the trial Court.”

Learned counsel appearing for the petitioner has produced in Court today a copy of order dated 06.05.2015 passed by the Judicial Magistrate 1st Class, Gohana and a perusal of the same would reveal that the petitioner has duly surrendered before the trial Court and has been admitted on interim bail upon having furnished requisite bail bonds/surety bonds.

In the light of the petitioner having joined trial proceedings, the present petition is allowed.

Order dated 24.03.2015 passed by this Court is made absolute.

It is, however, clarified that the observations contained in the notice of motion order dated 24.03.2015 are confined only as regards grant of concession of pre-arrest bail to the petitioner and would have no bearing on the merits of the case.

Disposed of.

18.05.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**