

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

CRM-M-12293-2016 (O&M)

Date of decision : 22.07.2016

Neema Gulati @ Neelam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
assisted by ASI Deepak.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure, in case FIR No.92 dated 03.02.2016, registered under Sections 323, and 506 of the Indian Penal Code and Section 75 of the Juvenile Justice Act, at P.S. City Gurgaon.

Heard.

On 08.04.2016, the following order was passed:-

Present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.92 dated 03.02.2016, under Sections 323, 506 of Indian Penal Code and Section 75 of Juvenile Justice Act, registered at Police station City Gurgaon.

Counsel would submit that the allegations against the petitioner are with regard to having intimidated and cruelly treated a maid servant. It is further submitted that the case of the prosecution is that in the statement recorded of the maid under Section 164 Cr.P.C. she had stated that she had

picked up an apple and eaten it and pursuant thereto the present petitioner had thrashed her.

It is contended that against the backdrop of such allegations, her custodial interrogation would not be warranted as she is otherwise ready and willing to join the investigation.

Notice of motion, returnable for 22.07.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

The learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and she is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 08.04.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

22.07.2016
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(JITENDRA CHAUHAN)
JUDGE.