

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

**CRM No.M-45866 of 2016
Decided on: 10.01.2017**

Begam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

REKHA MITTAL, J. (Oral)

Begam has filed the present petition under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking bail in anticipation of arrest in FIR No.136 dated 12.05.2016 registered at Police Station Tauru District Mewat for offence under Sections 148, 149, 323, 325, 354, 452, 427, 506 of the Indian Penal Code (in short 'IPC') and Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the petitioner has submitted that as per the allegations brought forth in the FIR, no role whatsoever has been attributed to the petitioner. It is further submitted that challan against some of the accused was filed in the Court and after framing of charge, complainant was examined but he failed to support the prosecution version and actually turned hostile. It is further submitted that custodial interrogation of the petitioner is not required and she is ready to face

the proceedings before the police as well as the Court without any default.

Counsel for the State of Haryana, on instructions from ASI Kamal, 203 has conceded to the position that in the proceedings against the accused already charge-sheeted, complainant did not support the prosecution version and was declared hostile. She has also not disputed that in the FIR, no active role has been attributed to the present petitioner.

I have heard counsel for the parties and perused the paperbook.

Be that as it may, perusal of the FIR would reveal that no overt act has been attributed to the present petitioner. As per the conceded position of the case, the complainant in her testimony before the Court has not supported the prosecution version.

Taking a cumulative view of the aforesaid discussion coupled with the factum that custodial interrogation of the petitioner is not required for progress of investigation, the petition is allowed with a direction that the petitioner shall join investigation within a period of 10 days from today and on her appearance before the Investigating Officer, she shall be released on bail subject to the following conditions:-

- (i) *She shall join the investigation as and when required by the Investigating Officer;*
- (ii) *She shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and*

(iii) *She shall not leave the limits of this country without prior permission of the Court.*

It is clarified that failure of the petitioner to join investigation within the stipulated period would entail dismissal of the petition.

10.01.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No