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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 570/2017**

NATHO DEVI Petitioner

Through **Mr.Arvind Kumar Gupta, Adv.**

versus

STATE GOVT OF NCT OF DELHI Respondent

Through **Mr.M.S. Oberoi, APP with Insp.
Rajesh Kumar and SI Naresh Kumar,
PS Chhawla.**

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **29.03.2017**

Crl.M.A. 5393/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 570/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.49/2017, under Sections 306/34 IPC, Police Station Chhawla.

It has been submitted that the bail application of the co-accused i.e. Ranjeet Singh, father-in-law of the deceased and the present petitioner were earlier dismissed. Bail application of the petitioner

was dismissed on 25.02.2017 and thereafter the co-accused Ranjeet Singh was granted bail and he was permitted to join the investigation. It has been submitted that the co-accused Ranjeet Singh has been summoned by the Investigating Officer himself by issuing a notice under Section 160 Cr.P.C. This is a sorrow state of affairs since notice under Section 160 Cr.P.C. is meant for a witness and not for an accused and if the accused is to be asked to join the investigation then he is required to be issued a notice under Section 41 Cr.P.C. Another unfortunate part in the present case is that a 'pick and choose' method has been adopted as notice under Section 160 Cr.P.C. was issued to co-accused Ranjeet Singh, father-in-law of the deceased, whereas mother-in-law of the deceased i.e. the petitioner-herein is being prosecuted with.

In the above mentioned facts and circumstances, the bail application is allowed. It is hereby ordered that in the event of arrest of the petitioner, she be released on furnishing the personal bond in the sum of Rs.25,000/- to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required, she shall not tamper with the evidence and influence the prosecution witnesses. She is further directed not to leave the country without prior permission of the court concerned.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final

opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

The bail application is accordingly disposed of.

P.S.TEJI, J

MARCH 29, 2017
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