

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

CRM-M-37388-2017 (O&M)

Date of decision:02.05.2018

Lachmi Devi

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. T.C. Dhanwal, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.0152, dated 25.03.2017, under Sections 384/389 IPC (Section 212 IPC and Section 7 of the Prevention of Corruption Act have been added subsequently), registered at Police Station Pehowa, District Kurukshetra.

While issuing notice of motion, the following order was passed by this Court on 06.10.2017:

“Notice of motion, returnable for 22.11.2017.

The petitioner is directed to join the investigation and fully cooperate with the Investigation Officer/Arresting Officer. In the event of arrest, the petitioner shall be released on ad-interim anticipatory bail in FIR No.0152, dated 25.03.2017 registered under Sections 384, 389 IPC and subsequently added 212 IPC and Section 7 of the Prevention of Corruption Act, at Police Station Pehowa, District Kurukshetra (Haryana), on furnishing of her bail bonds amounting to Rs.10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer.”

FIR has been registered on the statement of Jiwan Parkash. Complainant asserted that he was sought to be falsely implicated in a rape/molestation case at the instance of the present petitioner and co-accused, Pawan Goyal had intervened and had taken a sum of Rs.5,50,000/- to be passed on to the concerned police officials so as to bail out the complainant in the molestation/rape charge.

Learned State counsel, who is on instructions from ASI Sajjan Kumar apprises the Court that the petitioner has since joined investigation.

This Court while dealing with a petition filed under Section 438 Cr.P.C. by co-accused, Pawan Goyal (CRM-M-37315-2017) had observed that no corroborative evidence had come forth as regards entrustment of Rs.5,50,000/- to Pawan Goyal by Jiwan Parkash apart from statements recorded of certain municipal counselors and other respectables. Even such statements have been read out in Court and the same did not indicate that entrustment of money had been made by the complainant to Pawan Goyal in their presence.

It is the submission raised by counsel that statements recorded of municipal counselors can only be construed as hearsay evidence.

Co-accused, Pawan Goyal has been granted concession of pre-arrest bail by this Court in the light of order dated 23.01.2018 in CRM-M-37315-2017.

In the peculiar facts and circumstances of the case, the petitioner having already joined investigation, her custodial interrogation would not be warranted.

Prayer is allowed. Order dated 06.10.2017 passed by this Court is made absolute.

It is clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of anticipatory bail and would have no bearings on the merits of the case.

Disposed of.

02.05.2018

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |