

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 39118 of 2017 O&M)

Date of decision : 11.10.2018

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Minni Katyal

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Gourave Bhayyia Gilhotra, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Ms. Garima Sharma, Advocate for the complainant.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Minni Katyal, being accused in FIR No. 41 dated 14.2.2015, for offences under Sections 406, 498-A IPC registered at Police Station Ambala Cantt.

Briefly stated, facts of the case, as per the prosecution story are that the FIR in this case was lodged by complainant Meenakshi d/o Jagjit Walia, r/o House No. 6351/14 Nicolson Road,

Ambala Cantt, against her husband Ruchin Katyal and his family members, including his sister-in-law Minni Katyal on the allegations of harassment and maltreatment in connection with demand of dowry.

Minni Katyal alongwith co-accused Yatin Katyal had filed a petition for pre-arrest bail before the Court of Sessions, which was assigned to Additional Sessions Judge, Ambala. The said petition was dismissed vide order dated 21.7.2017. Yatin Katyal was arrested in this case. He had moved an application for regular bail, which was allowed by Additional Sessions Judge, Ambala vide order dated 8.9.2017. Efforts to arrest Minni Katyal did not prove successful, though warrants of arrest had been issued against her several times. Ultimately, proclamation against her was published, but she did not appear in the Court, as such her presence could not be procured. She has approached this Court for pre-arrest bail by filing the present petition, which request is being opposed by the State counsel.

According to counsel for the petitioner, the matter had been compromised between the parties. However, the compromise could not be implemented as the petitioner has been declared a proclaimed offender vide order dated 29.4.2017 and her bail application was dismissed on 21.7.2017 by the Sessions Court. Therefore, she be granted pre-arrest bail, since her custodial interrogation is not required.

On the other hand, learned State counsel submitted that conduct of the petitioner has been such that she does not deserve pre-arrest bail.

Pre-arrest bail is a discretionary relief, which is to be

granted in very rare cases to avoid harassment and inconvenience to the innocent persons and not in routine to screen the culprits from custodial interrogation. The conduct of the petitioner in running away from the process of law, despite issuance of warrants of arrest against her repeatedly and she has been declared a proclaimed offender even, as per her own admission in the petition, debars her from seeking pre-arrest bail. Furthermore, her custodial interrogation is found to be necessary for complete and effective investigation.

Finding no merit in the petition, the same stands dismissed.

11.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No