

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21213-2018 (O&M)
Date of Decision:- 19.9.2019

Deepika

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bansal, Advocate, for the petitioners.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 16.4.2018 whereby the learned Court of Additional Sessions Judge, Sonipat, while accepting an application filed on behalf of the prosecution for cancellation of anticipatory bail granted to the petitioner, has ordered for arrest of the petitioner in respect of case FIR No. 607, dated 10.11.2017, registered at Police Station City Gohana, District Sonipat, under Sections 354, 506 IPC.
2. The FIR in question was lodged at the instance of Manish Mangal wherein it has been alleged that on 5.1.2014, he received a telephone

call on his mobile phone and the caller disclosed his name as Radhey Mohan and threatened the complainant to compromise the dowry case by paying a hefty amount to Deepika failing which he would be eliminated. It is alleged that subsequently a similar call was again received on 14.1.2014 when the complainant informed said Radhey Mohan that he was not at fault and in fact Deepika had stolen ornaments from his house. It is further alleged that even subsequently the complainant received similar calls and was pressurized to compromise the matter with Deepika. The complainant further stated therein that earlier on 1.12.2013 Radhey Sham had come to their house and had stated that an amount of ₹50 lacs be given to Deepika or to gave a share in the house. It is also alleged that the said accused had also attempted to outrage the modesty of the complainant's mother. Subsequently after lodging of the aforesaid FIR, the complainant's mother got her statement recorded under Section 164 Cr.P.C. wherein specific allegations were also levelled against Deepika to the effect that she had taken an amount of ₹1,00,000/- and jewellery from his home and pursuant to the said statement Deepika was also implicated in a case for offence under Section 406 IPC.

3. Learned counsel for the petitioner has submitted that in fact the petitioner has falsely been implicated in the present case which was got lodged as a counter blast to the FIR got lodged at the instance of the petitioner i.e. FIR No.284 of 2013, under Sections 498-A and 406 IPC, Police Station Women, Ajmer. It has further been submitted that

from perusal of the present FIR, it is evident that the same has been lodged highly belatedly inasmuch as while the alleged telephone call was received in the year 2014, the present FIR came to be lodged in the year 2017. Learned counsel has further submitted that initially the petitioner had approached the Court of Sessions at Sonipat, seeking grant of anticipatory bail which was in fact granted to the applicant vide order dated 29.1.2018 but subsequently the petitioner somehow could not join investigation as she is a resident of Ajmer and due to which her anticipatory bail came to be cancelled vide order dated 16.4.2018.

4. Opposing the petition, learned State counsel has submitted that since the petitioner had violated the conditions of anticipatory bail by not appearing before the Investigating Officer, the order dated 16.4.2018 was perfectly justified.
5. I have considered rival submissions addressed before this Court. It is not seriously disputed that the petitioner is a resident of Ajmer. In any case in pursuance of interim directions issued by this Court, petitioner is stated to have joined investigation. In these circumstances, bearing in mind the fact that the present case was lodged highly belatedly and could even be said to be a counterblast, in my opinion, the present case is not such which would warrant custodial interrogation at this stage. In these circumstances, the petition is accepted and interim directions issued vide order dated 18.5.2018 are made absolute subject to the condition that the

petitioner shall appear regularly before the Trial Court and shall abide by the conditions as may be imposed by the Trial Court.

6. It is however, clarified that none of the observations recorded above shall be taken to be an expression on merits of the main case and have been made solely for the purpose of deciding this petition only.

September 19, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No