

209

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

CRM-M-23712 of 2019

Date of decision: September 24, 2019

Gulafsha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.161 dated 05.04.2019, under Sections 323, 324, 452, 506 of the Indian Penal Code, 1860, registered at Police Station Sector 58, Faridabad, District Faridabad.

As per prosecution case, petitioner along with her brother and others, armed with rod, knife etc., came to the house of the complainant. Petitioner gave *saria* blow on the head of the complainant and his brother. Petitioner along with others also abused the complainant and his brother and also gave fist and leg blows to them.

On 23.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that present FIR has been registered on account of some family discord between the parties as the petitioner was claiming her maintenance from her estranged

husband and complainant is brother-in-law.

Notice of motion for 09.08.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail in the present case till the next date of hearing on her furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from HC Joginder, has stated that in terms of order dated 23.05.2019, the petitioner has joined investigation and her custodial interrogation is not required.

In view of the above, order dated 23.05.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 24, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No