

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-36257 of 2019

Date of decision:3.10.2019

Deepa Neeta Sen

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vaibhav Jain, Advocate,
for the petitioner
Mr.Surender Singh, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

At the time when notice of motion was issued on 2.9.2019, the following order had been recorded by this Court:-

“Learned counsel for the petitioner submits that the petitioner being a resident of Jharkhand, and the person who stood surety for her at the first instance, i.e. one Rohan, not being known to her, but having appeared at the instance of the person who was a common friend, the petitioner, who is a housewife, cannot be held guilty of any impersonation by Rohan, or with regard to any false registration certificate that he has produced by way of surety.

Notice of motion be issued to the respondent, returnable on 25.09.2019.

In the meanwhile, upon the petitioner joining investigation, in case she is sought to be arrested, she would be admitted to

interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. She shall abide by the conditions stipulated in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation.”

The allegation against the petitioner is that 'a fictitious person' had stood surety for her in a criminal case registered against her and her co-accused alleging therein the commission of offences punishable under Sections 406/498-A/34 of the IPC, on the directions of the learned Judicial Magistrate Ist Class, Faridabad, stating to the effect that the aforesaid person was actually a non-existent person (as had stood surety for her).

As already recorded in the last order dated 25.9.2019, the petitioner is stated to have joined investigation but it was contended at that stage that she was not cooperating with the investigating agency, inasmuch as she was not disclosing as to who the person was who had claimed that he was one Rohan and had stood surety for her.

Today, learned counsel for the petitioner submits that the petitioner being a resident of Jharkhand did not know the aforesaid Rohan at all and that in fact one Subh Ashish Mukherji, a resident of Dwarka, in New Dehli, who is also a co-accused of the petitioner in another FIR registered against her alleging therein the commission of offences punishable under Sections 406/420 of the IPC, had 'provided the aforesaid surety' and it was

only he who knew as to who that person was, with the address of Subh Ashish Mukherji having duly been given to the investigating officer, who had also conducted a raid at that address.

Learned State counsel, on instructions from ASI Sazid Hussain, does not deny that the petitioner had not actually identified the aforesaid Rohan and it was the aforesaid Subh Ashish Mukherji who had so identified him, with him not having been found at his address in Dwarka, upon the police having raided the place and in fact he having 'absconded' completely, thereafter.

That being so, with the petitioner being a resident of Jharkhand and not having actually identified the person who stood surety for her, without making any comment on the actual merits of the case for or against her, the order dated 2.9.2019 is made absolute, with the petition disposed of.

3.10.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No