

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38714 of 2019
Date of Decision: 16.12.2019

Sushma

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana

Mr. Ravi Malik, Advocate
for Mr. S.K. Panwar, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.488 dated 01.08.2019 registered for offences punishable under Sections 148, 149, 323, 341, 506 of Indian Penal Code, at Police Station Camp Palwal, District Palwal. (Offences punishable under Sections 325 and 307 IPC were added later on).

Heard.

Learned State counsel on instructions from ASI Narinder submits that the petitioner has joined the investigation but is not cooperating. Two more co-accused named in the FIR are yet to be arrested.

As per allegations in the FIR, petitioner was not having cordial relations with her husband i.e. complainant and was having extra marital affair with one Hemant. Pardeep, who is her brother-in-law, intervened and

tried to impress her not to have affair with Hemant. She in conspiracy with co-accused, namely, Hemant, Jagpal, Deepak, Sunny, Jony @ Jatinder, Suraj @ Guddu, Mehar Chand, Amit, Kanja and son-in-law of Rampal caused injuries to Pardeep.

Allegations against the petitioner are of conspiracy. She was not present at the time of occurrence or has been attributed any injury to complainant. She has joined the investigation and it is for the investigating agency to collect evidence against her that she had conspired with co-accused, who caused injuries to Pardeep.

In view of above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 12.09.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make herself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

December 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No