

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

205

CRM-M-42971-2019

Date of decision: 25.11.2019

Suman

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G. Haryana.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") is for grant of anticipatory bail to the petitioner in case FIR No.0273 dated 13.09.2019 registered under Sections 148, 149, 323, 324, 341 and 506 of the Indian Penal Code, 1860 (for short, "IPC") and Section 3(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Farakpur, District Yamunanagar.

While issuing notice of motion on 04.10.2019, a Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner lodged FIR No.39 dated 23.05.2019 under Sections 363, 365 and 376-D of the IPC in Women Police Station, Yamunanagar against Tarsem and co-accused Manoj Kumar and Tarsem lodged the present

FIR malafidely as a counter-blast to the above said case. In compliance with the order dated 04.10.2019, the petitioner has joined the investigation and her custodial investigation is not required.

On the other hand, learned State counsel has submitted that the petitioner is accused of having committed serious offences. However, learned State counsel, on instructions from ASI Rajvir Singh, P.S. Farakpur, District Yamunanagar, has acknowledged that in compliance with order dated 04.10.2019 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and submitted that her custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, particularly the facts that the FIR in question is claimed to have been lodged malafide as a counter blast to the FIR lodged against the complainant and that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 04.10.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

25.11.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No