

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

**CRM-M No.48017 of 2019 (O&M)
Date of Decision: 18.12.2019**

Vandana

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. N.S.Shekhawat, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana for the respondent/State.

Mr. H.P.S.Ghuman, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.249 dated 01.10.2019, under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Sadar, District Narnaul.

This Court, while issuing notice of motion on 13.11.2019, passed the following order:-

“ Contends that petitioner has already resigned from the post of panch on 01.08.2019, whereas, the present FIR has been registered on 01.10.2019 regarding her alleged disqualification. Also contends that the election of the petitioner was never challenged by the complainant side.

Notice of motion returnable on 18.12.2019.

Mr. H.P.S. Ghuman, Advocate appears, files vakalatnama on behalf of the complainant and the same is taken on record.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail, 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) of Code of Criminal Procedure, 1973. ”

Contentends that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from the police official present in the Court, has acknowledged that in terms of order dated 13.11.2019, petitioner has joined the investigation and her custodial interrogation is not required.

It is also not disputed that the election of the petitioner was not challenged, however, learned Counsel for the complainant has opposed the prayer on the premise that present case is regarding grant of pre-arrest bail and not regarding the illegality and validity of the election of the petitioner.

Be that as it may, this is the conceded position that election of the petitioner was never challenged, rather she resigned at her own and resignation has already been accepted. Since petitioner has joined the investigation and her custodial interrogation is not required as the police have already collected the material up to their satisfaction, therefore, interim order dated 13.11.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that 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.

Disposed off accordingly.

December 18, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>