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

CRM-M No. 12174 of 2020
Date of Decision: 24.09.2020

Radhika

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sahil Gupta, Advocate,
for the petitioner.

Mr. Ashok Kumar Sehrawat, D.A.G., Haryana.

Mr. Vaibhav Sharma, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.

The case has been taken up for hearing through
video-conferencing.

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No.137 dated
09.04.2020 under Sections 147, 149, 285, 323, 452, 506, 337,
201 IPC (Sections 337, 201 IPC added later on) and under
Sections 25 and 27 of Arms Act (Section 25 of Arms Act deleted)
registered at Police Station Dharuhera, District Rewari.

On 12.05.2020, following order was passed:-

“The petitioner is seeking anticipatory bail

in FIR No.137, dated 09.04.2020, under Sections 147, 149, 285, 323, 452, 506, 337 and 201 IPC; and Sections 25 and 27 of the Arms Act (Sections 337 and 201 IPC added later on and Section 25 of the Arms Act deleted), registered at Police Station Dharuhera, District Rewari.

Learned counsel for the petitioner contends that no overt act has been attributed to the petitioner who is a lady and similarly situated co-accused namely Suresh Devi has been granted anticipatory bail by the Coordinate Bench of this court in CRM-M-12026-2020 on 07.05.2020.

Issue notice to the respondent.

At the asking of the Court, Mr. Chetan Sharma, AAG, Haryana accepts notice on behalf of the State and states that the petitioner had participated in the occurrence by hurling abuses. However, he is not in a position to dispute that no injury was caused by the petitioner. He also contends that the petitioner had threatened the complainant that she will

involve him in another case.

List on 09.07.2020.

In the meantime, petitioner is directed to appear before the Investigating Officer and join investigation.

In the event of her arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

On 09.07.2020, learned counsel for the complainant prayed for dismissal of the petition on the ground that immediately after securing interim protection vide order dated 12.05.2020 in the present petition, petitioner has threatened the complainant on 13.05.2020.

Precisely a complaint through e-mail was sent to SHO, Police Station Dharuhera, District Rewari.

Learned State counsel was directed to complete instructions on the issue.

Thereafter, vide order dated 11.08.2020, learned State counsel took time to apprise this Court about the threat perception received by the complainant in view of alleged

occurrence dated 13.05.2020 in which the petitioner is stated to have abused the complainant while going through a street.

The State has filed a status report. In paras no.9 and 10, following facts have been pleaded:-

“9. That the video clip dated 13.05.2020 has audio as well. In the said video clip the petitioner can be seen walking in the street hurling abuses. However, nobody else is seen and the petitioner is giving general exhortation and using foul words in the clip.

10. That preventive action has already been taken by the district police in the matter complained off. No separate FIR has been registered, as there nobody in specific who is being intimidated and the petitioner can be seen simply shouting and hurling abuses in the video clip spanning around 55 seconds.”

Perusal of aforesaid paras no.9 and 10 of the status report would show that video clip dated 13.05.2020 has audio as well. The petitioner can be seen walking through the street while hurling abuses, but nobody is seen in the street and the petitioner is giving general exhortation and using foul words in the clip. A preventive action has been taken by the police,

however, no separate FIR has been registered. No person in particular has been intimidated by the petitioner as the petitioner is simply shouting and hurling abuses in the video clip of 55 seconds.

Keeping in view the relationship between the parties and in view of Calendra under Section 107/150 Cr.P.C. against the petitioner and witness Sandeep and his family members, Sunil and Arti and also against the son of the complainant, I deem it appropriate to confirm order dated 12.05.2020.

In view of above, order dated 12.05.2020 is hereby made absolute. However, petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

24.09.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No