

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.No.16698 of 2020

Date of Decision: October 12, 2020

Shusheela Devi & others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Cuccria, Advocate,
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.301 dated 10.06.2020, under Sections 452, 376 and 120-B IPC, 1860, registered at Police Station, Thanesar Sadar, District Kurukshetra. The petitioners apprehended their arrest at the hands of police in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 26.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners has contended that previously, FIR No.104 dated 23.10.2019 (Annexure P-1) was got registered by complainant Mukesh Rani against Suresh Solanki and his mother, brother and sister (petitioners). In the said FIR, after investigation, the petitioners were found innocent. It is pointed out that the present FIR No. 301 dated 10.06.2020, registered under Section 452, 376 and 120-B IPC, at Police Station Thanesar Sadar, District Kurukshetra has been lodged by complainant Mukesh Rani, wherein the offence

punishable under Section 376 IPC has been incorporated. He has submitted that the offence of rape may not be made out at least against the petitioners, particularly when complainant has claimed herself to be wife of Suresh Solanki. According to him, in the given facts, the custodial interrogation of the petitioners may not be necessary.

Notice of motion for 12.10.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions from LASI Suman Devi, further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.06.2020 is made absolute.

October 12, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No