

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24614-2020
Date of Decision:-27.08.2020.

Manjit Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. K.S. Dhaliwal, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

SANJAY KUMAR, J. (Oral)

The petitioner is one of the accused in FIR No.136 dated 31.07.2020 on the file of Police Station Babain, District Kurukshetra, registered under Sections 323, 324, 328, 376, 506, 511 and 34 IPC along with Section 67-A of the Information Technology (Amendment) Act, 2008 (Section 511 IPC removed subsequently). By way of this petition filed under Section 438 Cr.P.C., she seeks grant of anticipatory bail.

Perusal of the material placed on record indicates that the petitioner, being the mother-in-law of the complainant, was initially granted interim bail by the learned Additional Sessions Judge (Fast Track Special Court for the offences of Rape and under POCSO Act), Kurukshetra, on 11.08.2020. She was directed to join investigation and abide by the provisions of Section 438 (2) Cr.P.C. However, when the matter was taken up on 20.08.2020, the Sessions Court was informed that the petitioner had been arrested in the present case after she joined

investigation and was then released on bail. The bail petition was accordingly dismissed by the Sessions Court on 20.08.2020.

However, the status report submitted by by the Investigating Officer on 18.08.2020 before the Sessions Court indicated that the petitioner got recorded her disclosure statement and also got demarcated the place of occurrence.

Mr. Rajneesh Chadwal, learned Assistant Advocate General, Punjab, confirms this fact and states that no recovery is to be made insofar as the petitioner is concerned.

Though specific over acts have been attributed to the petitioner by the complainant, her daughter-in-law, this Court finds that there may not be any necessity for her custodial interrogation at this stage as she already joined the investigation and suffered a disclosure statement. The petitioner would therefore be entitled to protection, subject to conditions.

The petition is accordingly allowed. The petitioner shall continue to cooperate with the police authorities and join investigation in the subject FIR as and when required. In the event her arrest is again warranted in future in relation to this case, she shall be released on bail upon furnishing a personal bond for a sum of Rs.20,000/- along with two sureties for a like sum each to the satisfaction of the Arresting/Investigating Officer. In such an event, she shall also abide by the conditions prescribed in Section 438 (2) Cr.P.C.

(SANJAY KUMAR)
JUDGE

August 27, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.