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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 32632 of 2020 (O&M)
Decided on: 17.12.2020

Payal and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.416 dated 28.08.2020 under Sections 384, 388, 389, 120-B and 34 of the IPC and Section 3 of the Immoral Traffic (Prevention) Act, 1956 registered at Police Station Quilla Panipat, District Panipat.

The operative part of the order dated 14.10.2020, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Learned counsel for the petitioners submits that petitioner No.1 had filed a complaint against one Sonu and others under Section 376-D of IPC being FIR No.416 dated 28.08.2020. Thereafter, the petitioners had approached this Court with a prayer that the respondent-State be directed to investigate the said FIR thoroughly and after the decision in the said petition, petitioners have been roped in the said FIR on the ground that the allegations alleged against the accused persons by the

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present petitioners were false as they have compromised their dispute with the accused. Learned counsel for the petitioners further submits that nothing has been presented on record, as to on what basis, the allegations have been alleged against the petitioners under Section 3 of the Immoral Traffic (Prevention) Act, 1956.

Notice of motion.

Ms. Safia Gupta, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the petitioners had compromised with the accused and after the compromise was effected, it came to the knowledge of the authorities that petitioner No.1 is not the daughter of petitioner Nos.2 and 3 and the further investigation into the allegations show that the accused were prima facie being framed on the asking of one Tinku i.e. brother-in-law of the accused.

Learned State counsel has not stated anything, as to why, the custodial interrogation of the petitioners is necessary, when the petitioners have already been appearing before the police authorities being the complainant in FIR No.416 dated 28.08.2020 under Sections 384, 388, 389, 120-B and 34 of the IPC registered at Police Station Quilla Panipat, District Panipat.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioners were complainant, on whose complaint the FIR was registered and now the petitioners have been roped in as an accused on the ground that the allegations alleged in the FIR were prima facie incorrect, though, the investigations into the allegations alleged by the complainant is still going on, the petitioners have made out a case for the grant of anticipatory bail to them,

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especially, when they have undertaken to join and cooperate in the investigations....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 14.10.2020, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from ASI Sonia, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 14.10.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

17.12.2020
yakub

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