

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

203-3

**CRM-M-36196-2020
Date of decision: 23.11.2020**

Babli

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana
for the respondent-State.

Mr. Deepak Aggarwal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.292 dated 23.08.2020 registered at Police Station Bawal, District Rewari under Sections 362 and 366-A of the Indian Penal Code, 1860 (for short, "the IPC") to which Section 120-B of the IPC was added lateron.

While issuing notice of motion on 05.11.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

The complainant has put in appearance through Mr.

Deepak Aggarwal, Advocate who has undertaken to file his power of attorney in the registry and opposed the petition.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Initially the FIR was registered on statement of father of the prosecutrix against Hans Raj son of the petitioner on allegation of kidnapping of the prosecutrix by him. The petitioner was not named in the FIR. During investigation her another son Ravinder was arrested by the police. The petitioner has been implicated in the second complaint dated 07.09.2020 made by the father of the prosecutrix. The petitioner does not have any knowledge as to whereabouts of her son Hans Raj and prosecutrix. In compliance with order dated 05.11.2020, the petitioner has joined the investigation.

Learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from SI Dharamvir, acknowledged that in compliance with order dated 05.11.2020 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation

of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 05.11.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

23.11.2020

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(ARUN KUMAR TYAGI)
JUDGE

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