

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

CRM-M-37377 of 2020

DATE OF DECISION :- December 18, 2020

Ruchika Mittal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Pankaj Jain, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Anil Mehta, Advocate for the complainant.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Ruchika Mittal, aged about 42 years, wife of Amit Mittal, resident of 348, Sector 9, Urban Estate Ambala City, Haryana, an accused in F.I.R. No. 419 dated 14.10.2020 under Sections 186, 332, 34, 353, 506 IPC and Section 341 IPC added later on registered at Police Station Ambala Cantt.

Briefly stated the facts of the case as per prosecution story are that on 14.10.2020 the petitioner-accused had gone to the office of Deputy Excise and Taxation Commissioner, Ambala and obstructed him from discharging of his official duties and further allegations are that she had criminally intimidated Neha Seth and Ashish Gulati, who were present in that office.

On a written complaint submitted by Deputy Excise and

Taxation Commissioner, Ambala, formal F.I.R. was registered. The investigation in the case started. Apprehending her arrest in the case, the petitioner-accused had approached the Court of Sessions at Ambala seeking pre-arrest bail. The application moved in that regard was, however, dismissed by Additional Sessions Judge on duty at Ambala vide order dated 22.10.2020.

Feeling aggrieved, the petitioner has approached this Court craving for grant of similar relief. Notice of the petition so moved by her was given to the State which has put in appearance through Additional Advocate General, Haryana.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that even as per allegations in the F.I.R., the petitioner had not assaulted or misbehaved with any public servant and even if the allegations in the F.I.R. are taken at their face value, the quarrel had taken place between petitioner-accused and private persons namely Neha Seth and Ashish Gulati. He has further contended that there are no specific allegations of public servant on duty being obstructed from discharging his official functions. Learned counsel for the petitioner has further submitted that the petitioner has joined the investigation in view of the directions issued to her by this Court vide order dated 16.11.2020 while granting interim bail to her and has surrendered her Passport and no recovery is to be affected from her, therefore, the present petition be accepted. Learned State counsel on instructions from ASI Ravinder Kumar concedes the factum of petitioner having joined the

investigation and surrendering her Passport before the investigating officer further stating that it being so, custodial interrogation of the petitioner is not required.

Under such circumstances, the interim bail granted to the petitioner on 16.11.2020 is made absolute, subject to the following conditions :-

- (i) She shall appear in the Court on each and every date of hearing.
- (ii) She shall not give any threat or intimidation to the prosecution witnesses.
- (iii) She shall not leave India without prior permission of the Court.
- (iv) She shall surrender her Passport before the Investigating Officer and if she is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

December 18, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No