

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

**CRM-M No.34064 of 2019
Date of Decision.13.02.2020**

Krishna
Vs
State of Haryana and another

...Petitioner
...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jai Bhagwan Sharma, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed seeking anticipatory bail to the petitioner in Criminal Complaint No.30282 of 2014 under Sections 498-A, 323, 506, 34 IPC pending in the Court of Additional Session judge, Faridabad.

Learned counsel appearing for the petitioner would contend that the allegations as set out in the complaint case are totally false, as she was not in joint residence with the complainant and her husband. It is also argued that by an order dated 17.01.2018, she and her husband were declared as proclaimed persons. It is thereafter that an application was filed seeking anticipatory bail, which stands dismissed. He further contends that the petitioner is ready to join investigation and the proceedings pending before the trial Court.

Per contra, learned counsel appearing on behalf of the respondent-State opposes the grant of anticipatory bail by contending that the petitioner has been declared as a proclaimed person as far back as 17.01.2018 and the application for grant of anticipatory bail was filed only

on 09.07.2019.

I have heard learned counsel for the parties and have also perused the order so passed. Admittedly, a complaint case has been filed wherein all the parties have been shown to be residents of Faridabad and consequently, taking that to be address of the petitioner herein, service was purportedly effected upon her on that address. However, a perusal of the Aadhar Card reflects that the petitioner herein is a resident of Ghaziabad and therefore, this Court, *prima facie*, is of the opinion that service was not properly effected. Since the other co-accused especially husband of the petitioner has already been allowed regular bail by the trial court, arrest of the petitioner is stayed limited to a period of four weeks to allow her to approach the trial Court to put in appearance and to have the order dated 17.01.2018 set aside. The petitioner is directed to join proceedings before the trial Court within a period of four weeks and on her doing so, the trial Court is directed to release her on interim bail, subject to her furnishing bail/surety bonds to its satisfaction and her application for setting aside the order dated 17.01.2018 will be considered in accordance with law. It is made clear that in case, the petitioner herein fails to join proceedings within the stipulated period, any interim protection granted to the petitioner shall stand automatically vacated.

The instant petition is allowed in above terms.

(JAISHREE THAKUR)
JUDGE

February 13, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No