

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

**CRM-M No.50784 of 2019 (O&M)
Date of Decision:09.01.2020**

Bindiya

... Petitioner

Versus

State of Haryana

... Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Suman Kumari, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
for the State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed seeking grant of anticipatory bail in FIR No.390 dated 27.08.2019, under Section 420 IPC, Police Station Sadar Thanesar, District Kurukshetra.

The allegations, which have been contained in the FIR, are that a written examination was conducted in a College for recruitment of clerical staff for the Kurukshetra University. During the said examination, the petitioner was allegedly using unfair means and consequently, a mobile type device was confiscated from her.

Vide order dated 29.11.2019 passed by this Court, it was observed that the petitioner is stated to be pregnant and interim bail was granted to her, subject to the compliance of the conditions contained in

Section 438 Cr.P.C..

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation and she is entitled to the concession of anticipatory bail, especially in view of the fact that she is in the 7th month of pregnancy.

Per contra, the learned State counsel has opposed the bail on the ground that although, the petitioner has joined investigation, but she has not cooperated in the investigation process as she is not disclosing the name of the person with whom she was talking on mobile during examination and therefore, she is not entitled to the concession of anticipatory bail.

After hearing learned counsel for the parties and after considering the fact that the present case pertains to an offence under Section 420 IPC as the petitioner was allegedly caught using unfair means during the examination and a mobile type device has allegedly been recovered from her, this Court cannot shut its eyes to the fact that the petitioner is a pregnant lady in her 7th month and gravity of offence is not so serious that she should be denied the concession of bail. The only information to be sought from the petitioner, is about the name of the person with whom she was talking on the mobile during the examination. Nevertheless, it is the duty of the petitioner to cooperate in the investigation process after joining the investigation. On a specific query put by this Court to the learned counsel for the petitioner, she undertakes that the petitioner will cooperate in the investigation process in this regard.

In view of the above peculiar circumstances, the order dated

29.11.2019 passed by this Court is hereby made absolute. It is, however, clarified that in case the petitioner does not cooperate in the investigation process, then the State will be at liberty to file an appropriate application in this Court.

Present petition stands disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

09.01.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No