

204

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

CRM-M-51943 of 2019
Date of Decision: 24.01.2020

Kalawati Devi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present : Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 316, dated 03.10.2016, registered at Police Station Kanina, District Mahendergarh u/s 409 IPC.

Learned counsel for the petitioner has argued that in the present case, the petitioner has been falsely implicated in the present FIR especially in view of the fact that an earlier occasion, she was wrongly implicated in the FIR on the similar cause of action on the instance of complaint made by Vigilance Department where she was

acquitted. He has further stated that in pursuance of order passed by this Court dated 13.12.2019, she was granted interim protection by this Court subject to compliance of Section 438(2) Cr.P.C. upon her joining the investigation. Learned counsel for the petitioner has specifically undertaken to the Court that she will co-operate with the investigation process and whenever she will be called before police station she will be present.

Per contra, learned counsel for the State has filed the status report by way of affidavit of Sh. Sadhu Ram, HPS, Deputy Superintendent of Police. and submitted that thorough investigation has been done in this case and there is sufficient evidence against the petitioner with regard to misappropriation and the amount is yet to be recovered from the petitioner. An affidavit filed by DSP is taken on record.

During the course of arguments, learned State counsel on instructions from ASI Vijay Pal has specifically submitted that petitioner had already join the investigation and fully co-operated with the same. He has further submitted on instructions that the petitioner is no longer required for custodial investigation.

In view of the stand taken by the State counsel, the present petition is allowed and the order dated 13.12.2019, is hereby made absolute.

Learned State counsel has prayed that the petitioner be put to terms with regard to her join of investigation. In view of the undertaking given by the petitioner with regard to fact that she will fully co-operate and come to the Police Station whenever she will be

called in this regard. It is hereby clarified that in case the petitioner does not fulfill the conditions stated above and also the conditions with regard to Section 438(2) Cr.P.C., then the State will be at liberty to file appropriate application before this Court.

(JASGURPREET SINGH PURI)
JUDGE

24.01.2020
Parveen Sharma

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