

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

203

CRM-M-53285-2019

Date of decision: 13.02.2020

Gyarsi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manish Mehta, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.270 dated 21.08.2019 registered under Sections 323, 452 and 506 read with Section 34 of the Indian Penal Code, 1860 at Police Station Kanina, District Mahendergarh.

While issuing notice of motion on 13.12.2019, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner is aged about 70 years. No injury on the person of complainant-Rakesh Kumar is attributed to the petitioner. The

petitioner was earlier granted interim anticipatory bail by the trial Court which was later declined on the ground that her custodial interrogation was required for recovery of *danda*. The petitioner has joined the investigation. Nothing is to be recovered from her and her custodial interrogation is not required.

Learned State counsel, on instructions from the investigating officer, has acknowledged that in compliance with order dated 13.12.2019 passed by this Court, the petitioner has joined the investigation and submitted 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 and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 13.12.2019 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.

13.02.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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