

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

204

CRM-M-205-2020

Date of decision : 22.07.2021

Madhu Madan

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Karan Pathak, Advocate
for the petitioner.

Mr. Tanuj Sharma, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.730 dated 13.12.2019 registered under Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 at Police Station Faridabad Central, District Faridabad.

Vide order dated 13.01.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation. The relevant part of the said order reads as under:-

"On 13.12.2019, complainant-Ravinder Kumar moved written complaint to police party headed by SI Dharambir in market of Sector 15, Faridabad alleging in the complaint that one girl child had been kept as child labour in house No.96, Sector 15, Faridabad on which raid was conducted and girl child named Karina was rescued from the above said house. The girl child rescued told that she had been doing labour work their for the last one year and used to sleep on the ground and behaviour of Madhu was not good towards her and she did not know how much money was given to her. In view of the written statement of girl child, the above said FIR was registered.

Learned counsel for the petitioner has submitted

that the petitioner has been falsely implicated in the present case in collusion with the police. Parents of the girl child have given affidavit that mother of the girl child was working with the petitioner and she had gone to Agra to meet her husband while leaving girl child in the house of the petitioner for taking care. The petitioner kept the girl child with full love and affection and was providing her free education. The petitioner is ready to join the investigation and her custodial interrogation is not required for effecting any recovery.

On the other hand, learned State counsel has submitted that the petitioner by engaging girl child and keeping her in bonded violated Section 79 of the Act and thereby committed a serious offence and the petitioner does not deserve grant of anticipatory bail and seeks time to file reply.

Adjourned to 27.02.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of her arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which she shall not be entitled to the protection of interim bail allowed to her."

The petition has been opposed by respondent No.1-State in terms of reply filed by way of affidavit of Sh. Mohinder Singh, HPS, Assistant Commissioner of Police, Central, Faridabad.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has, while reiterating submissions made on 13.01.2020, submitted that in compliance with order dated 13.01.2020, the petitioner has joined the investigation and she may be granted anticipatory bail as her custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has acknowledged that in compliance with order dated 13.01.2020 passed by this Court, the

petitioner has joined the investigation and that her custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner and the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 13.01.2020 granting interim anticipatory 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.

22.07.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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