

212 (1)

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

**CRM-M-1568-2021**

**Date of decision-17.08.2021**

**NITTI PATHANIA @ NEETI PATHANIA      ...Petitioner**

**Vs.**

**STATE OF PUNJAB      ...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present:      Ms. Sheenam Kamboj, Advocate for  
                 Mr. Dheeraj Mahajan, Advocate  
                 for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Vipin Mahajan, Advocate  
for the complainant.

**\*\*\***

**MANOJ BAJAJ, J. (ORAL)**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.234 dated 03.12.2020 under Sections 420, 506 & 120-B Indian Penal Code, 1860, registered at Police Station City, Gurdaspur, District Gurdaspur. The petitioner apprehended her arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.01.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“The matter has been taken up for hearing*

*through video conferencing due to outbreak of COVID-19.*

*Counsel for the petitioner submits that the petition filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail was allowed by the learned Additional Sessions Judge, Gurdaspur vide order dated 21.12.2020. He refers to para 13 of the said order, which reads as under:-*

*“13. Hence, application moved by applicant/accused stands allowed and it is ordered that applicant/accused in the present case will join the investigation within 10 days from today and will fully cooperate and assist the Investigating Agency. On his/her doing so, in the event of arrest of applicant/accused, he/she will be released on bail to the satisfaction of I.O./Arresting Officer subject to the following condition:-*

- He/She shall make herself/himself available for interrogation by a police officer as and when required.*

- He/she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;*

*and*

- He/she shall not leave India without previous permission of the Court.”*

*He further submits that by virtue of the order dated 21.12.2020, the petitioner was required to join investigation within 10 days from the date of passing of the order, but as the petitioner was wrongly implicated in some other FIR No.279 dated 23.12.2020 under Sections 306, 34, 506 IPC, Police Station Dhariwal, District Gurdaspur, she could not join the investigation. She moved a separate application before the learned Additional Sessions Judge seeking extension of time so as to join investigation, but since the learned Additional Sessions Judge has already allowed the petition, extension was not granted to her on the premise that criminal court cannot recall its order. The application seeking anticipatory bail in FIR No.279 (supra) has separately been filed which is coming up for hearing tomorrow. However, in the present case, the petitioner is ready to cooperate with the investigation.*

*Notice of motion for 27.04.2021.*

*Meanwhile, in the event of arrest of the petitioner, she shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the*

*petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Ajay Rattan does not dispute this fact that the petitioner has joined the investigation and she is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 13.01.2021 is made absolute.

**(MANOJ BAJAJ)**  
**JUDGE**

**17.08.2021**

*Vipin kumar*

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No