

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-6470 of 2021
Date of Decision : 10.09.2021

Manju

...Petitioner

Versus

State of Haryana

...Respondent

(through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. N.K. Malhotra, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 428, dated 24.12.2020, registered under Sections 379, 420, 401, 424, 120-B IPC at Police Station Murthal, District Sonapat.

This Court vide order dated 25.02.2021 granted the said indulgence on the ground that the petitioner is ready and willing to join the investigation and cooperate. The order dated 25.02.2021 reads as under :-

“Written reply has not been filed. Learned State counsel seeks some time for that purpose.

Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation. Learned State counsel states that the petitioner be directed to do so.

Under such circumstances, the petitioner is directed to join investigation by contacting the Investigating Officer within

7 days from today and render all sort of cooperation. The petitioner has to surrender her Passport before the Investigating Officer, if she has got one, otherwise to furnish affidavit in that regard. The next date of hearing is fixed as 6.4.2021. If, in the meanwhile, she is arrested, she be released on interim bail to the satisfaction of the Investigating Officer/ Arresting Officer.”

On 06.04.2021, learned State counsel on instructions from HC Kuldeep Singh submitted that the petitioner did not cooperate and learned counsel for the petitioner sought another adjournment and assured this Court that the petitioner will cooperate in the investigation.

Today again, learned State counsel on instructions from HC Kuldeep Singh states that petitioner has not joined the investigation after 31.03.2021 till today and is not cooperating at all.

Learned counsel for the petitioner submits that as per his instructions petitioner joined the investigation on 16.06.2021. Learned counsel further submits that the petitioner is actually being harassed by the Investigating Officer which forced her to approach the National Commission for Scheduled Castes.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Petitioner prayed that she will join the investigation and cooperate and taking into consideration the said prayer, the petitioner was granted interim bail by a Co-ordinate Bench of this Court but her conduct is such that she is not interested in cooperating with the investigation. Rather, the factual aspect *prima-facie* shows that she is trying to create hurdles in the investigation. Prima-facie, no such complaint of harassment was

brought to the notice of this Court by the petitioner at any stage. After seeking another opportunity to join investigation and cooperate rather than joining the investigation, petitioner approached the National Commission for Schedules Castes with the allegation that she is being harassed. This *prima-facie* show that petitioner is not interested in joining the investigation much less cooperating. Not only the vehicle in question but even the money, which the petitioner is alleged to have received is to be recovered.

With regard to the contention of learned counsel for the petitioner that the petitioner has joined the investigation on 16.06.2021, nothing has been shown to this Court proving the said contention whereas, the specific allegation of the State is that petitioner has not approached the investigation authorities for joining investigation after 31.03.2021.

Factual aspect detailed hereinbefore *prima-facie* show that the petitioner is not cooperating with the investigation as undertaken by her hence, the investigating agency has to be given a right for custodial interrogation of the petitioner to elicit the truth of the allegations mentioned in the FIR and to effect recovery of the vehicle as well as the alleged money.

No ground is made out to grant the petitioner the benefit of anticipatory bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 10, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No