

261 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-6932-2021

Date of decision: 02.09.2021

Seema

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikram Singh, Advocate for the petitioner.

Mr. K. S. Thakur, AAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 11 dated 16.01.2021 under Sections 120-B, 193, 196, 205, 209, 419, 420, 466, 467, 468, 471 of the IPC, registered at Police Station Ganaur, District Sonapat, Haryana.

The operative part of the order dated 15.02.2021, vide which the petitioner has been granted interim bail, is reproduced below:

*“An application under Section 97/100 Cr.P.C. was filed by the petitioner before the court of Learned SDJM of Ganaur seeking for issuance of search warrants in respect of Smt. Dayawati mother of the petitioner. On 08.01.2021, said Dayawati appeared before the court and got her statement recorded. During the course of hearing, Sh. Rajiv Yadav, Advocate caused his appearance before the learned SDJM and stated that he had not signed any such application. He had only signed the Power of Attorney on the asking of Sh. Rajesh Dahiya, Advocate and Ms. Monika Malik, Advocate as he was a local counsel. They had assured that they would address arguments in the application. This led to raising doubt regarding involvement of Sh. Rajesh Dahiya, Advocate and Ms. Monika Malik, Advocate, as they did not mention their names as the main counsel despite assuring Sh. Rajiv Yadav, Advocate. Learned Sub Divisional Judicial Magistrate vide order dated 08.01.2021 concluded that presence of Sh. Rajiv Yadav, Advocate was recorded on the basis of power of attorney. However, he had*

*specifically denied signing the said application. Thus, the signatures of Sh. Rajiv Yadav, Advocate on the application might have been forged by Sh. Rajesh Dahiya, Advocate and Ms. Monika Malik, Advocate. It was also noticed that address of the petitioner has been wrongly mentioned in the application. Opining that the application had been moved only to harass Dayawati who is aged about 85 years, the learned Magistrate ordered for registration of the FIR.*

*Learned counsel for the petitioner contends that no offence is made out against the petitioner. He states that subsequently Sh. Rajiv Yadav, Advocate has also submitted an affidavit to the effect that he had given his statement due to misunderstanding. Both the Advocates namely Sh. Rajesh Dahiya, Advocate and Ms. Monika Malik, Advocate had already been granted bail. The petitioner had no motive to humiliate and harass her mother.*

*Notice of motion for 13.05.2021 ”.*

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.02.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from DSP Davinder Singh, submits that the petitioner is still required for further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 15.02.2021, is made absolute subject to the condition that as and when the petitioner is further required for joining the investigation, it will be open for the Investigating Officer to issue a notice in writing to the petitioner to join the investigation.

**02.09.2021**

Chetan Thakur

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned  
Whether reportable*

*Yes/No  
Yes/No*