

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

CRM-M-23498-2021

DECIDED ON: 26th October, 2021

Shakuntla and another

.....PETITIONERS

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: None for petitioners.

Ms. Geeta Sharma, DAG Haryana.

Mr. Chetan Bansal, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

This petition is filed for grant of anticipatory bail in case of FIR No. 58 dated 12.2.2020, under Sections 420, 467, 468, 471 IPC, registered at Police Station Bhuna, District Fatehabad (Haryana).

On 2.8.2021, following order was passed:

"Petitioners-Shakuntla and Ankit have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail in case FIR No.58 dated 12.02.2020 registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Bhuna, District Fatehabad.

In the course of hearing of arguments, learned Counsel for the petitioners has submitted that Satish Kumar against whom petition under Section 125 of the Cr.P.C. was filed by Usha is a person different from Satish Kumar who had solemnized marriage with petitioner No.1 Shankuntla and adopted petitioner No.2 as his son while learned Counsel for the complainant has submitted that Usha who had filed petition under Section 125 of the Cr.P.C. is still alive.

Case is adjourned to 10.08.2021.

Learned Counsel for the complainant is directed to file affidavit of the complainant giving full particulars

regarding parentage and residential address of Usha in the Registry.

The respondent-State is directed to file additional reply in the Registry before the date fixed giving better particulars with respect to the following aspects:-

1. Whether Usha alleged to be wife of deceased Satish Kumar has been joined in investigation and whether her statement has been recorded by the Investigating Officer in the case?

2. Whether Satish Kumar against whom said Usha filed proceedings under Section 125 of the Cr.P.C. is different from Satish Kumar who had solemnized marriage with petitioner No.1 Shakuntla and adopted petitioner No.2 as son?

Investigating Officer of the case shall remain present before this Court through video conferencing on the date fixed.

In the meanwhile, the petitioners are directed to join the investigation within seven days from the date of passing of this order. In the event of their arrest, the petitioners shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim anticipatory bail allowed to them."

Learned State counsel has filed reply in pursuance to the above order. She submits that the petitioner has join investigation, she on instructions is not in a position to put forth any reasonable ground for custodial interrogation.

Learned counsel for the complainant vehemently opposes the confirmation of interim bail.

As no custodial interrogation is needed, the interim bail granted on 2.8.2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

26th October, 2021
reema

Whether speaking/reasoned *Yes*
Whether reportable *No*