

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

202

CRM-M-19238-2020

Date of decision: 06.04.2021

SUMAN

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. U.K. Agnihotri, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent No.1-State.

None for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.689 dated 15.08.2018 registered under Sections 193, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Assandh, District Karnal.

Vide order dated 28.07.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:

“The petitioner has filed present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.689 dated 15.08.2018 registered under Sections 193, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Assandh, District Karnal.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner has nothing to do with the alleged offences. The petitioner has not been attributed

any role in the FIR and no over act is attributed to her. The petitioner is ready to join investigation.

Learned State Counsel seeks time to file reply and address arguments.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition and on oral request made by learned Counsel for the petitioner, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Adjourned to 20.08.2020.

Notice to newly added respondent No.2 be issued for that date and notice be also given dasti, if so desired.

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.

SHO, Police Station Assandh, District Karnal and Investigating Officer of the case shall remain present through video conferencing on the date fixed.”

The petition has been opposed by learned State counsel in terms of reply by way of affidavit of Ramesh Chand, HPS, Deputy Superintendent of Police, Assandh (Karnal) filed in the Registry which is taken on record.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned Counsel for the petitioner, while reiterating submissions made on 28.07.2020, has submitted that in compliance with order dated 28.07.2020, the petitioner has joined the investigation. Custodial interrogation of the petitioner is not required in the case. Therefore the petitioner may be granted anticipatory bail.

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, on instructions from ASI Bahadur Singh, acknowledged that in compliance with order dated 28.07.2020 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, 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 tempering 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 28.07.2020 granting interim 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.

06.04.2021

vishal

**(ARUN KUMAR TYAGI)
JUDGE**

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