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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28255-2021

Date of Decision: 23.07.2021

BABBAL BHATIA

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Atul Yadav, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Rajeev Anand, Advocate
for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has approached this Court seeking quashing of Notice dated 25.06.2020 (Annexure P-1) issued under provisions of Section 160 Cr.P.C. as well as notice dated 24.06.2021 (Annexure P-2) issued under the provisions of Section 41-A Cr.P.C. in respect of FIR No.004 dated 09.01.2020 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station DLF, Phase-2, Gurgaon.

2. Learned counsel for the petitioner submits that the aforesaid notices are contrary to law particularly when the arrest of the petitioner has already been stayed vide order dated 27.08.2020 (Annexure P-24).

3. Learned counsel for the petitioner has further submitted that the petitioner is a lady and the investigating officer is intentionally harassing

her by calling her to the police station. It has been submitted that as per provisions of Section 160 Cr.P.C. no lady can be called to the police station as has been specifically barred under the proviso to Section 160 Cr.P.C.

4. I have heard learned counsel for the petitioner.

5. While this Court would agree with the petitioner's contention that as per proviso to Section 160 Cr.P.C. a lady cannot be called to the police station but in the instant case the notice under Section 160 Cr.P.C. (Annexure P-1) was issued at the very threshold when the FIR was lodged and when the petitioner was apparently being treated just as a person conversant with the facts of the case but subsequently the police collected some evidence so as to show the complicity of the petitioner. The petitioner filed a petition seeking anticipatory bail wherein her arrest has been stayed.

6. Although it is correct that vide order dated 27.08.2020 (Annexure P-24) passed by this Court in CRM-M-22369-2020, arrest of the petitioner has been stayed but the said order cannot be interpreted to mean that the entire investigation has been stayed. The police is well within its right to summon the petitioner so as to investigate and issue notice under Section 41-A Cr.P.C. for the said purpose.

7. In these circumstances, no illegality can be found in the issuance of notice under Section 41-A Cr.P.C.

8. There is no merit in the petition.

9. The petition stands dismissed.

23.07.2021

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**(GURVINDER SINGH GILL)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No