

CRM-M-33438-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-33438-2021.
Date of Decision:-01.12.2021.

Jeenat

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.119 dated 15.05.2021, under Sections 389, 506 and 120-B of IPC, registered at Police Station Sadar Tauru, District Nuh, Haryana.

On 18.08.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.119 dated 15.05.2021 registered under Sections 389, 506 and 120-B of the Indian Penal Code, 1860 (hereinafter to be referred as “IPC”) at Police Station Sadar Tauru, District Nuh, Haryana.

Learned counsel for the petitioner inter alia contends that the petitioner is a lady and she has been involved in the case under Sections 389 and 506 of IPC out of which Section 389 of IPC is bailable and Section 506 of IPC is not made out qua the petitioner. It is further submitted that the person, from whom the recovery was made i.e. Arif, was released on bail within two days of his arrest. Even with respect to other case, learned counsel for the petitioner has submitted that the petitioner has no role in the said incident and she would be filing the anticipatory bail in the said case also. It is also submitted that the fact that the petitioner is not involved in the case, is also apparent from the fact that when the alleged raid was conducted, neither the petitioner was present nor apprehended.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 04.10.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in

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pursuance of the above order and the subsequent order dated 04.10.2021, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Attar Singh, has submitted that the petitioner has joined the investigation on 30.11.2021 and is not required for further investigation.

Keeping in view the above-said facts and circumstances, moreso, the facts noticed in the orders dated 18.08.2021 and 04.10.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for grant of anticipatory bail is allowed and the interim order dated 18.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

December 01, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No