

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

205

**CRM-M-28592-2020
Date of decision : 11.01.2021**

Sunita

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.251 dated 18.08.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (for short, "the IPC") in Police Station Civil Line Bhiwani, District Bhiwani.

Vide order dated 26.10.2020 the petitioner was granted interim anticipatory bail by this Court with direction to join the investigation. Relevant part of the above-said order reads as under:-

"The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.251 dated 18.08.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Civil Line Bhiwani, District Bhiwani.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case.

FIR has been registered after undue, unreasonable and unexplained delay of 3 years. As per the allegations made part of the amount was deposited in the account of Satish Kumar and remaining amount was handed over to Ashok Kumar. The petitioner did not receive any amount and is not the beneficiary of the crime. The petitioner is ready to join the investigation.

Learned State counsel seeks some more time to file reply.

Adjourned to 11.01.2021.

In case reply is not filed on that date, concerned SHO and Investigating Officer of the case shall remain present before this Court through video conferencing on that date.

In the meanwhile, the petitioner is directed to join the investigation within 15 days from today. 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."

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Virnder Singh, HPS, Deputy Superintendent of Police, Bhiwani in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has while reiterating the submissions made on 26.10.2020 submitted that in compliance with order dated 26.10.2020, the petitioner has joined the investigation and prayed for grant of anticipatory bail to the petitioner.

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 and the petition may be dismissed.

However, learned State Counsel has, on instructions from

SI Virender Singh, acknowledged that in compliance with order dated 26.10.2020 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation 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 26.10.2020 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.

11.01.2021

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

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