

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-35389 of 2021
Date of Decision : 10.11.2021

Koushlya Devi and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Pardeep Singh Poonia, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 479 dated 08.08.2021, registered under Sections 147, 149, 379-B, 323, 452 and 506 IPC, at Police Station Shivaji Colony, Rohtak.

Vide order dated 31.08.2021 passed by this Court, the petitioners were granted interim relief. Order dated 31.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.479 dated 08.08.2021, registered under Sections 147, 149, 379-B, 323, 452 and 506 IPC, at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner submits that the present is a case of matrimonial dispute between husband and wife. Learned counsel for the petitioners further submits that petitioner No.1 is the mother-in-law of complainant and

petitioner No.2 is the brother of complainant's wife. Learned counsel for the petitioners further submits that no specific injury has been attributed to the petitioners and concededly all the injuries are simple in nature. Learned counsel for the petitioners argues that petitioners may kindly be granted the benefit of anticipatory bail as they are ready to join the investigation and cooperate.

Notice of motion to the respondent for 10.11.2021.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State and Mr. Mr. Pardeep Singh Poonia, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel submits that in the present case the allegations are that more than 20 people trespassed the house of complainant and caused injuries. Learned State counsel further submits that as per the allegations, mobile phone of the complainant has been taken away by the accused, which needs to be recovered. Learned State counsel concedes that the injuries suffered in the scuffle are simple in nature.

Learned counsel appearing on behalf of the complainant submits that mobile phone belonging to the complainant has been taken away by the accused as there were some conversation which was recorded in the said phone and the same has been taken away in order to destroy the same. Learned counsel for the complainant further submits that the custodial interrogation of the petitioners is necessary to recover the said mobile phone.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed that present case is related to a matrimonial dispute between Poonam i.e. daughter of

petitioner No.1 and her sister with the complainant, who is son-in-law of petitioner No.1. The injuries concededly are simple in nature. The allegation that mobile phone has been taken away by the petitioners, is yet to be proved during the trial and once the petitioners have undertaken before this Court that they are ready to join the investigation and cooperate, they have made out a case for the grant of anticipatory bail especially when petitioner No.1 is a senior citizen with 63 years of age.

Hence, the petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. ”

Learned State counsel on instructions from ASI Rajkaran states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

In view of the above, the order dated 31.08.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 10, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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