

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

CRM-M-32287-2020 (O&M)

Date of decision: 16.03.2021

Sarita

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Naveen Siwach, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Sanchit Punia, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Sarita, an accused in FIR No.364 dated 29.08.2020, for offences under Sections 323, 452 and 506 IPC, registered with Police Station Civil Lines, Hisar.

Briefly stated the prosecution story is that, criminal machinery in this case was set into motion by complainant Smt. Naveda wife of Maidyal, who in the written complaint submitted by her to the police stated that on 27.08.2020, at about 8.30 AM, while she was alone in the house, then her daughter in-law Sarita (present petitioner) having a danda came there and started abusing her; she gave a danda blow on her left hand and thereafter caught hold her from her neck and threatened to kill her; thereafter, she made a call to her son Pardeep who took her to

General Hospital, Hisar for treatment; on the basis of that written complaint, formal FIR was registered and the investigation in the case started.

Apprehending her arrest in this case, petitioner/accused had approached the Courts of Sessions at Hisar by moving an application for grant of pre-arrest bail. Her such application was assigned to Addl. Sessions Judge-cum-Judge, Special Court for Heinous Crime against Women, Hisar, who vide order dated 06.10.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that petitioner is innocent and the FIR is outcome of a family dispute between the parties. The said dispute had been compromised, vide written compromise. He has further contended that no offence U/s 452 IPC is made out since the petitioner is living in the same house on the first floor and having a share in the house. The petitioner has since joined the investigation and no recovery is to be effected from her, therefore, her custodial interrogation is not necessary and she be granted pre-arrest bail.

Learned State counsel, on instructions from ASI Netarpal has conceded the fact of petitioner having joined the investigation, further stating that her custodial interrogation is not required by the investigating

agency.

However, learned counsel for the complainant has opposed the petition, stating that the petitioner had assaulted an old woman of 80 years without any rhyme or reason. He has stated that petitioner is a habitual complainant, however, after sending the complaints, she never appears for corroborating that version. Therefore, she does not deserve the concession of pre-arrest bail.

After hearing the rival contentions, I find that keeping in view the totality of circumstances, the petition deserves to be accepted. Accordingly, the same is allowed. The interim bail granted to the petitioner, vide order dated 12.10.2020 is made absolute, subject to the following conditions:-

- 1.that the petitioner shall make herself available for investigation by a police officer as and when required;
- 2.that she 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 such facts to the Court or to any police officer and;
- 3.that she shall not leave India without prior permission of the Court.
- 4.that she shall surrender her passport before the Investigating Officer and if she is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

16.03.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No