

CRM-M-44953-2021
Date of Decision :20.12.2021

Manwa Rani

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S.Saroha, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.813, dated 14.12.2020, under Sections 420, 467, 468, 471, 120-B of IPC registered at Police Station City Sonapat, Haryana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.10.2021. Order dated 29.10.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.813 dated 14.12.2020 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station City Sonepat, Haryana.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner had obtained a caste certificate by forging certain documents and information. Learned counsel for the petitioner further submits that the allegations alleged against the petitioner are yet to be proved and as nothing is to be recovered from the petitioner, the petitioner, who is ready to join the investigation and cooperate with the same, be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the petitioner had obtained a certificate in a fraudulent manner from the department by misrepresenting the facts as well as forging the documents, though

concedes that nothing is to be recovered as of now from the petitioner.

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

This Court, in the present petition, is not deciding about the guilt or the innocence of the petitioner. The only question before this Court is whether the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same or the custodial interrogation of the petitioner is necessary to elicit the truth.

Keeping in view the facts and circumstances of the present case, the purpose of investigation will be achieved, in case the petitioner is directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, she has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That she shall make herself available for interrogation by the police officer as and when required.

(ii) 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 the said facts to the Court or to any police officer.

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

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

Adjourned to 20.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.

Learned State counsel, on instructions from ASI Mukesh, states

that in terms of the order of this Court reproduced before, the petitioner has

joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 29.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She 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 petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

20.12.2021

hemlata

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No