

204(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45210-2019
Date of decision-01.09.2021

SARLA

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Kumar Aryan, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.596 dated 24.09.2019, under Sections 147, 148, 149, 188, 295, 323 & 506 Indian Penal Code, registered at Police Station City Sohna, District Gurugram. The petitioner apprehended her arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 23.10.2019, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner has been falsely indicted in case

FIR No.596 dated 24.09.2019 under Sections 147, 148, 188, 295, 323 and 506 read with Section 149 Indian Penal Code, 1860 registered at Police Station City Sohna, District Gurugram, particularly when the land in dispute is owned by the petitioner. Learned counsel has pointed out that the civil suit brought by petitioner for permanent injunction was decreed in her favour. He submits that in the given set of facts, custodial interrogation of the petitioner may not be required when majority of the offences are bailable in nature.

Notice of motion for 04.03.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Mahabir Singh does not dispute this fact that the petitioner has joined the investigation and she is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 23.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

01.09.2021

Vipin kumar

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