

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

CRM-M-243-2020

Date of decision : 15.03.2022

Priyanka @ Pinki

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Sahu, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.0254 dated 20.09.2018 under Sections 120-B, 406, 420 and 506 Indian Penal Code, 1860 registered at Police Station Sadar Dabwali, District Sirsa, who apprehends her arrest at the hands of Police.

On 08.01.2020, this Court had passed the following order:-

*“Learned counsel for the petitioner has placed reliance upon the order dated 05.11.2019 passed in CRM-M-43467-2019 to contend that co-accused has already been granted concession of anticipatory bail by this Court and main accused Sharwan Singh and Shalender had been granted regular bail by this Court.
Notice of motion for 21.02.2020.
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 his 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 has argued that as per allegations, the complainant had paid money to co-accused upon their

promise to provide employment to complainant and others. He submits that vide order dated 08.01.2020, the petitioner was directed to join the investigation and in compliance of the said order, she associated herself in the investigation and cooperated during interrogation. According to him, the other similarly situated co-accused have already been released on anticipatory bail, therefore, custodial interrogation of the petitioner may not be necessary.

Learned State counsel who is instructed by PSI Vikas states that indeed the petitioner has joined the investigation, but opposes the prayer on the ground that the money paid by the victims is yet to be recovered. He has pointed out that as per allegations, Rs.8.5 lakhs was paid to the petitioners.

At this stage, Mr. Sahu, learned counsel for the petitioner has argued that the promise for providing employment to the complainant and others was by petitioner's husband, namely, Shailendar, therefore, even if it is believed that some amount was received by petitioner on behalf of her husband, it cannot be said that she actually participated in the crime. He further states that the petitioner's husband has already been released on regular bail.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.01.2020 is made absolute.

15.03.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No

(MANOJ BAJAJ)
JUDGE