

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2157-2022 (O&M)

Date of decision: 28.03.2022

Ravina

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.145 dated 04.07.2021 under Sections 147, 149, 224, 225, 332, 353, 186, 307, 379-B IPC and Section 25 of the Arms Act, registered at Police Station Dhauj, Faridabad.

While granting interim bail to the petitioner, following order was passed by this Court on 20.01.2022: -

“...Counsel for the petitioner has submitted that the petitioner was initially granted the concession of interim anticipatory bail vide order dated 16.12.2021 by noticing the following facts:-

“2. The facts germane from the prosecution report is that

on 4.7.2021 the policy party headed by the complainant ASI Tusha Kant went to village Kureshipur to arrest accused Jabbar, who was involved in case FIR no.191 dated 7.6.2021 under Section 379A/34 IPC, Police Station Kotwali. On seeing the police party, Jabbar went inside the house and raised noise that police came to arrest him and on hearing the noise, the family members of accused Jabbar came there, having lathies and dandas with them and they had attacked the policy party for getting accused Jabbar released from police custody. They raised noise and on hearing noise, other residents came there with lathies and dandas and they had also attacked the policy party and also pelted stones. By attacking the policy party, the said persons had got released Jabbar from the police custody and also attempted to get the accused Irfan released. Thereafter, accused Jabbar came with a country made pistol from his house and fired at police party but policy party somehow managed to escape. On these allegations, present FIR came into existence.

3. Commencing the arguments, learned counsel for the petitioner-applicant has contended that she has been falsely implicated in the present case. He further contended that no recovery is to be effected from her, so no custodial interrogation is required. He further argued even she is ready to join the investigation proceedings, as and when required. He further argued that Jabbar, husband of the petitioner has already been arrested. With these submissions, prayed is made to grant interim bail to the petitioner-applicant.

4. On the other hand, learned Public Prosecutor opposed the bail application on the ground that she pelted

stones on the police party in order to release Jabbar. With these submissions, he prayed for dismissal of the application moved by the petitioner-applicant is made.

5. *I have heard learned counsel for the petitioner-applicant and learned Public Prosecutor for the State and gone through the records carefully.*

6. *After hearing learned counsels for the parties, it is imperative to mention here that the allegations against the petitioner-applicant is that she pelted stones on the police party in order to release her husband. It is admitted fact that Jabbar, husband of petitioner has been arrested. No recovery is to be effected from her. At this stage, it does not appear to be case of custodial interrogation. Custody of a person cannot be handed over to police just for the purpose of extracting confessions. Learned counsel for the petitioner-applicant has stated that she is ready to join the investigation. Keeping in view the above factual situation, the petitioner-applicant is granted concession of interim anticipatory bail till 23.12.2021....”*

Counsel for the petitioner has further submitted that later on, due to some unavoidable circumstances, the petitioner could not join the investigation and the anticipatory bail application was dismissed vide order dated 23.12.2021 only on this ground.

Counsel for the petitioner has also argued that the petitioner was not named in the FIR and was later on nominated in the case and she is a housewife, having no such criminal antecedents. It is lastly, submitted that the co-accused of the petitioner namely Ismail and Saleem have already been released

on regular bail vide orders dated 25.10.2021 passed in CRM-M No.43050 of 2021 and dated 09.11.2021 passed in CRM-M No.42454 of 2021, respectively, and the petitioner is ready to join the investigation.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Manoj Kumar, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 20.01.2022 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

28.03.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No