

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211-1)

CRM-M-5037-2022

Date of decision:- 24.05.2022

Pooja Kapoor

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Rangi, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court
passed the following order on 08.02.2022:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.19 dated 17.08.2021, registered for offences under Sections 323, 420, 498-A and 120-B of the Indian Penal Code, 1860 (Section 370 of the Indian Penal Code, 1860, Section 10 of The Prohibition of Child Marriage Act, 2006 and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 6 of Protection of Children from Sexual Offences Act {for short “POCSO Act”} were added later on), at Women Police Station Naraingarh, Ambala, District Ambala (Annexure P-1).

Counsel for the petitioner contends that the petitioner is the mother-in-law of the complainant and she is similarly situated as co-accused, Preeti Kapoor, who has been granted interim bail by this Court in CRM-M-44362-2021, vide order dated 25.10.2021 (Annexure P-10).

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State.

List on 21.03.2022.

To be heard with CRM-M-44362-2021.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the

Investigating Officer. In the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Status report be filed by the State before the next date of hearing.”

Interim bail granted to co-accused, Preeti Kapoor, has been made absolute by an order passed by this Court on even date.

Status report by way of an affidavit of Additional Superintendent of Police, Ambala, District Ambala has been filed on behalf of State-respondent, which is taken on record, wherein it has been *inter alia* submitted as under:-

“10. That in the meantime, on 05.03.2022, co-accused Kamla Verma @ Rinkle, Sandeep Dhiman and Manju wife of Ranjit Singh were apprehended in this case and were questioned and thereafter, they were arrested in this case. However, during interrogation, it has come on the record that there was no cash transaction between the parties in this case, as such the Section 370 IPC was deleted. Thereafter, the accused were produced before the Court of Ld. Illaqua Magistrate and were released on bail. It is further submitted that during interrogation, it has come on the record that the co-accused Mandeep Dhiman had got prepared forged Aadhar Card of the complainant by changing the year of date of birth of the complainant from 2007 to 2002 and also got changed the photograph of the complainant, hence Section 467/468/471 IPC were added in this case against co-accused Mandeep Dhiman, but till date co-accused Mandeep Dhiman has not been arrested in this case as he is concealing himself at unknown place. It is further submitted that the arrest of remaining co-accused person namely Pancham Kapoor is still pending.

11. That during investigation on 07.03.2022, the accused-petitioner came to the IO and produced the copy of order dated 08.02.2022 passed by this Hon'ble Court granting interim protection, and the accused-petitioner joined the investigation with the IO and she was formally arrested in this case and in pursuance of the orders of this Hon'ble Court, the accused-petitioner was released on bail.

12. That it is relevant to submit here that the

complainant and her parents have got recorded 04 (four) more cases, the details of which are as under:-

<i>S.No.</i>	<i>FIR No.</i>	<i>U/s</i>	<i>Police Station</i>
<i>1.</i>	<i>357 dated 04.09.2021</i>	<i>195/193/323/382/383/420/430/506 IPC</i>	<i>PS Naraingarh, District Ambala Under Trial</i>
<i>2.</i>	<i>148 dated 21.04.2021</i>	<i>363/366-A IPC</i>	<i>PS Naraingarh, District Ambala</i>
<i>3.</i>	<i>309 dated 08.08.2021</i>	<i>346 IPC</i>	<i>PS Naraingarh, District Ambala</i>
<i>4.</i>	<i>352 dated 01.09.2021</i>	<i>363/366/506 IPC</i>	<i>PS Naraingarh, District Ambala</i>

It is submitted that after due investigation the case bearing FIR Nos.148, 309 and 352 (above) have been cancelled, however, another case bearing FIR No.148 dated 06.09.2021 under Section 356 IPC PS Sector-09, Ambala City, District Ambala has been got registered by the Incharge, One Stop Centre, Ambala as the complainant and another fled away from the One Stop Centre, however, the complainant was traced and her custody was handed over to her parents and the above case was also cancelled as none was found involved in this case.”

State counsel has invited the attention of the Court to para 13 of the status report. Still further, upon instructions received from L/PSI, Surekha, she submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, order dated 08.02.2022 is made absolute, subject to the fulfilment of conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

(SUVIR SEHGAL)
JUDGE

24.05.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No