

CRM-M-5560-2022 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-5560-2022 (O&M)

Date of decision: 09.05.2022

Seema Bansal

.... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ravinder Malik, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana
assisted by ASI Ashok

ARUN PALLI, J (ORAL)

Vide this petition under Section 438 of Cr.P.C. the petitioner prays for anticipatory bail in FIR No. 67 dated 24.01.2022, under Sections 380, 406, 420, 448 and 34 IPC, registered at Police Station Shivaji Colony Rohtak, District Rohtak.

Upon hearing the learned counsel for the petitioner on 10.02.2022, this Court had enlarged the petitioner on interim bail :-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.67 dated 24.01.2022, registered at Police Station Shivaji Colony Rohtak, District Rohtak, under Sections 380, 406, 420, 448 and 34 IPC.

Learned counsel for the petitioner contends that money transaction between the husband of the petitioner and the complainant has been going on for the last many years; that the present dispute also pertains to the money transaction; that the husband of the petitioner has also filed a complaint under Section 138 N.I.Act, against the complainant, which is still pending adjudication; that no specific role has been attributed to the petitioner; that no recovery is to be effected from the petitioner, and that on the similar facts, FIR No.58 dated

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21.01.2020, under Sections 380, 447, 448, 451, 506 and 34 IPC, Police Station Shivaji Colony, Rohtak, stands registered against the petitioner and others wherein the petitioner stands released on anticipatory bail, vide order dated 19.08.2020 passed by a Coordinate Bench in CRM-M-11631- 2020.

Notice of motion for 09.05.2022.

At this stage, Mr. Lekhraj Nandal, Advocate, puts in an appearance on behalf of the complainant.

Meanwhile, the petitioner is directed to join investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

On instructions from ASI Ashok, learned State counsel submits that pursuant to the order dated 10.02.2022 (*ibid*) the petitioner had joined the investigation and is no longer required for any custodial interrogation.

In the wake of the above, the order dated 10.02.2022, is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. and shall join the investigation as and when required to do so.

The petition is accordingly disposed of.

09.05.2022
deepak

(ARUN PALLI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No