

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9122-2022

Date of Decision: 14.09.2022

DARSHANA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ajit Singh Lamba, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J.(ORAL)

On 12.07.2022, the following order was passed:-

“Learned State Counsel submits that during the period of virtual hearing on account of Covid-19 Pandemic, the reply along with report of FSL was submitted online to the registry of this Court. However, the same has not been accepted. He has placed on record the copy of the reply.

Petitioner is seeking anticipatory bail in the case bearing FIR No. 444 dated 15.06.2021 under Section 323, 328, 354(A)(I), 307, 34 IPC. Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the complainant. The allegations have been levelled against the petitioner, her husband and another son. It has been alleged by the complainant that other son namely Kuldeep had made an attempt to commit rape upon the complainant. Thereafter she was forcibly administered some poisonous substance. It has been further stated that as per the report of FSL, no organophosphorus pesticide has been detected from the gastric lavage of the complainant. Furthermore, the investigation qua the co-accused is over. Kuldeep-the other son and Jaibir Singh-husband of the complainant, have been released on bail and challan qua them has already been presented in the Court.

Learned State Counsel has opposed the bail application, on the score that there are serious allegations against the petitioner. However, it has not been disputed that no poisonous substance was detected in the *gastric lavage* of the complainant and the co-accused are on bail.

Adjourned to 14.09.2022.

In the meanwhile, in the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Ramesh Kumar, has not disputed the aforesaid factual aspects and further contends that the custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 12.07.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

14.09.2022
smriti

(VIVEK PURI)
JUDGE

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