

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M-13000-2021

Date of decision: 21.02.2022

Maya and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhriugu Dutt Sharma, Advocate with
Mr. Atul Gaur, Advocate for the petitioners.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana.

Mr. Gurmeet Singh, Advocate for the complainant.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.64 dated 22.02.2021, registered for offences under Sections 148, 149, 323, 354, 354-B and 506 of the Indian Penal Code, 1860 (Offence under Section 452 of the Indian Penal Code, 1860 was added later on), at Police Station Kurukshetra University, Kurukshetra (Annexure P-1).

As per the case of the prosecution, FIR has been registered on the complaint of Prinyanka on the allegations that Roshan, Surender, Naresh, Shingara, Maya (petitioner No.1), Urmila (petitioner No.2), Shubham, Sahil, Geeta (petitioner No.3) etc. forcibly entered her house and physically assaulted her and her mother-in-law. Allegations have been levelled against the accused of dragging, outraging the modesty and tearing the clothes of the complainant and her mother-in-law. It has been alleged that the accused

forced her father-in-law to consume liquor and when the ladies intervened, they were assaulted. Counsel submits that the petitioners, who are women, are related to the complainant and there is a dispute over ancestral land between them and litigation is pending. He submits that Panchayati compromise dated 21.01.2021 (Annexure P-3) had been effected between them, which was supported with an affidavit dated 03.03.2021 (Annexure P-4), but could not be given effect to. Still further, he submits that pursuant the order dated 08.09.2021 passed by this Court, the petitioners have joined the investigation.

Upon instructions from L/HC, Suman Devi, State Counsel has affirmed the fact that the petitioners have joined the investigation and further submits that they are no longer required for custodial interrogation, though, they are named in another FIR, registered subsequently. Counsel for the complainant submits that though the matter had been referred to the Mediation and Conciliation Centre of this Court, but the same could not be settled.

I have heard counsel for the parties.

Vide order dated 08.09.2021, this Court passed the following order:-

“Counsel for the petitioners herein prays for grant of anticipatory bail to the petitioner, while contending that co-accused in the said FIR have joined the investigation and their presence is not longer required as is evident from the order passed in CRM-M-13587-2021. It is submitted that in order to facilitate the mediation process between the parties, arrest of

the petitioners was stayed, however, mediation has failed.

Counsel for the complainant would submit that the complainant was not interested in the mediation process.

Adjourned to 21.02.2022.

Since the arrest of the petitioners herein had been stayed, they are now directed to join the investigation within a period of one week and on their doing so, in the event of arrest the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

The petitioners are women, who have joined the investigation, are no longer required for custodial interrogation, the genesis of the dispute between the parties is unpartitioned ancestral land and there is civil litigation pending between them.

In view of above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 08.09.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

21.02.2022

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No