

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-14121-2022
Decided on : 17.05.2022

Smt. Suman

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Vikas P. Singh, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case in FIR No. 435 dated 03.09.2020 under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Tosham, District Bhiwani.

On 04.04.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that in the present case, the primary allegations are against Dr. Ishant and the complainant has compromised the matter with the said Dr. Ishant. It is further submitted that even as per the allegations levelled in the FIR, the total

amount of Rs.33,15,000/- is said to have been paid by the complainant and reference has been made to page 14 of the paper book in order to show that Dr. Ishant had paid a sum of Rs.3,00,000/- and also had given a cheque amounting to Rs.30,00,000/- from the account of Jaspal which cheque had been dishonoured. It is contended that from the said fact, it is apparent that liability with respect to entire amount of Rs.33,00,000/- is of Dr. Ishant and Jaspal. It is further contended that no money has come into the account of the present petitioner and the present petitioner is a widow and is not involved in any other case.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and Mr. Vikas P. Singh, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 17.05.2022 .

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.

Liberty is granted to the counsel for the complainant to place on record any document which shows that the petitioner is not entitled for grant of anticipatory bail. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Sanjay Kumar has submitted that the petitioner has joined the investigation on 18.04.2022 and is not required for any further custodial interrogation.

Learned counsel for the complainant has opposed the present application for anticipatory bail.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 04.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 04.04.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

17.05.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No