

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 219

CRM-M-21604-2022 (O&M)

Date of decision : 22.08.2022

Usha Rani

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sagar Aggarwal, Advocate, for the petitioner.

Mr.Karan Sharma, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.214 dated 16.04.2022 registered under Sections 323, 406, 498-A, 420, 376, 511, 506 and 494 IPC (Sections 420, 376 and 511 IPC deleted later on) at Police Station Civil Lines, Karnal, District Karnal.

On 19.05.2022 this Court had passed the following order: -

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.214 dated 16.4.2022 under sections 323, 406, 498-A, 420, 376, 511, 506, 494 I.P.C, registered at Police Station, Civil Lines, Karnal, District Karnal.

Learned counsel for the petitioner has contended that the marriage in question took place on 24.2.2016. After the marriage both complainant and her husband shifted to Australia. Thereafter, complainant came to India on 9.3.2022 and lodged the present FIR. Counsel submits that after lodging the FIR the complainant again went back to Australia. He submits that a false and frivolous FIR has been lodged against the petitioner, who happens to be the mother-in-law of the complainant. Counsel submits that if at all any matrimonial discord has taken place that is between husband and wife, who are already living in Australia and the petitioner has no concern whatsoever with the same. Counsel has placed reliance upon the judicial precedent in case of ***Arnesh Kumar V. State of Bihar 2014 (3) SCC (Crl.) 449***. It is further submitted that petitioner has no criminal antecedents as she has never been involved in any criminal offence, however, she is ready and willing to join the investigation.

Notice of motion for 22.8.2022.

On the asking of the Court, Mr. B.S. Virk, D.A.G., Haryana accepts notice on behalf of respondent no.1-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before

the Investigating Agency/Officer. She shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-
(i) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so.
(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
(iii) That the petitioner shall not leave India without prior permission of the court.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that her custodial interrogation is not required by the State.

After considering the above submissions made on behalf of the petitioner as recorded in the afore quoted order and the afore-referred statement made by learned State counsel, the order of this Court dated 19.05.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

22.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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