

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+201

CRM-M-39160-2021(O&M)

Decided on : 28.04.2022

Smt. Santosh

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. S. K. Verma, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

CRM-8065-2022

Allowed as prayed for.

Annexure A-4 is placed on record subject to all just
exceptions.

Main Case

The present petition has been filed under Section 438
Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.
112 dated 10.08.2021 under Sections 406, 420, 506 and 34 of the Indian
Penal Code, 1860 registered at Police Station Alewa, District Jind.

On 28.10.2021, a Coordinate Bench of this Court was
pleased to pass the following order:-

“Learned counsel for the petitioner inter-alia

contends that the petitioner, who is a 40 years old housewife, has been falsely implicated in this case only for the reason that she is married to the main accused – Sukhbir Singh; there is no other criminal case pending against the petitioner; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the main thrust of the allegations are against co accused – Sukhbir Singh; the petitioner was not even aware of her husband's doing; the dispute is primarily of civil in nature and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr. Sumit Jain, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State and Mr. S. K. Verma, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 25.01.2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of her arrest in FIR No.112, dated 10.08.2021, registered under Sections 406, 420, 506, 34 IPC at Police Station Alewa, District Jind, she shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

*Sd/-
(Deepak Sibal)
Judge ”*

28.10.2021

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 SI Balbir Singh, has submitted that the petitioner has joined the investigation on 05.04.2022 and is not required for any further custodial interrogation.

Learned counsel for the complainant has submitted that the petitioner has not given the whereabouts of her husband and thus, she does not deserve the concession of anticipatory bail.

Learned counsel for the petitioner, in rebuttal, has submitted that the husband of the petitioner has already surrendered on 20.03.2022 and is in judicial custody.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.10.2021 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation and also the fact that the husband of the petitioner has surrendered on 20.03.2022, the present petition is allowed and the interim order dated 28.10.2021 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

28.04.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No