

CRM-M-43669-2021

Date of decision: 02.03.2022

KAMLA RANI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.C.Shahpuri, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI,J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 105 dated 09.04.2021, registered under Sections 120-B/323/328/376/377/406/498-A/506 IPC, 1860, at Police Station HUDA, Jagadhri, District Yamuna Nagar.

On 17.11.2021, the following order was passed:-

“Reply by way of affidavit of Deputy Superintendent of Police, Yamuna Nagar, has been filed by way of email and a print out of the same is taken on record. Learned counsel for the petitioner has submitted that petitioner in the present case is a 70 years old lady suffering from various ailments and she is the mother of the husband of the complainant and the dispute was essentially a matrimonial dispute. He has submitted that as per para 7 of the reply filed by the State, allegations qua rape and criminal conspiracy and giving of intoxicants were found to be incorrect and Kapil, Sahil and Ravinder were found to be innocent and therefore, Sections 376, 328 and 120-B IPC were deleted by the police. He has submitted that the remaining offences pertain to demand of dowry and cruelty which as per FIR itself are general in nature and particularly when Section 120-B IPC has also been deleted. He submitted that he has instructions to state that the petitioner is

ready and willing to join the investigation as and when called upon by the police and undertakes to fully cooperate with the investigation process.

Adjourned to 2.3.2022.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the complainant suffering from various illness and furthermore, she has joined the investigation in pursuance of the interim directions issued by this Court.

On instructions from ASI Baljeet Kaur, learned State counsel has not assailed the aforesaid factual aspects and further states that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 17.11.2021, granting interim bail to the petitioner is made absolute.

Furthermore, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

02.03.2022
renubala

(VIVEK PURI)
JUDGE

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