

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44414-2021 (O&M)

Date of Decision: 13.07.2022

MAYA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

On 09.03.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 256 dated 25.09.2021, registered under Sections 323/342/365/379-B/506/34/376/511 IPC, 1860 at Police Station Khol, District Rewari.

Briefly, the FIR has been registered at the instance of the victim aged about 21 years alleging that on 25.09.2021 at about 6:00 AM she was abducted by the petitioner and her son-Sudhir and was taken to their house. The hands of the victim were tied with handkerchief and parna and danda blows were administered upon her.

Learned counsel for the petitioner contends that it is a case of version and cross-version. The petitioner as well as her son had suffered injuries in the occurrence. A separate FIR No. 275 dated 11.10.2021, under Sections 323/325/506 read with Section 34 IPC has been registered at P.S. Khol, District Rewari against the prosecutrix and others at the instance of the petitioner with regard to the same occurrence. Moreover, the allegations with regard to Sections 379-B/376 read with Section 511 are result of after thought as the same have not been mentioned in the first statement of the prosecutrix on the basis whereof FIR has been registered. Moreover, the said allegations pertain to Sudhir, the co-accused who has already been released on regular bail. The injuries on the person of the victim are simple in nature. Although, she has been

convicted in the case bearing FIR No. 66 of 2013, under Sections 148/149/323/353/186/188/309/384/427/506 IPC at P.S. Khol but the appeal is pending in the Court of Sessions and sentence has been suspended. Furthermore, she has been acquitted in the case bearing FIR No. 229 of 2015, under Sections 498-A/323/406/506/34 IPC. The FIR No. 103 of 2021, under Sections 447/506/34 IPC and 107 of 2021, under Sections 323/506/34 IPC at P.S. Khol pertain to the bailable offences.

On instructions from ASI Amlesh, learned State counsel has pointed out that USG report has been received and the opinion of the doctor has been sought. Though, there are 13 injuries on the persons of the victim but all the injuries are simple in nature. It has further stated that the petitioner is yet to join the investigation.

Adjourned to 13.07.2021.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Umesh Kumari, has stated that the petitioner has joined the investigation and her custodial interrogation is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 09.03.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.07.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No