

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211-2)

CRM-M-44362-2021

Date of decision:- 24.05.2022

Preeti Kapoor

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Rangi, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court passed the following order on 25.10.2021:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in case FIR No.19 dated 17.08.2021 under Sections 323, 420, 498-A and 120-B IPC (Section 370 IPC, Section 10 of the Prohibition of Child Marriage Act, 2006, Section 81 of Juvenile Justice (Care and Protection of Children) Act and Section 6 of the POCSO Act having been added later on), registered at Women Police Station, Naraingarh, Amabla, District Ambala.

Learned counsel for the petitioner would inter alia contend false implications by contending that the complainant was a major at the time of marriage solemnized with the brother of the petitioner herein. It is also argued that the complainant had in fact left the matrimonial home taking away ornaments and money from her house and in this regard a complaint had been made to the SHO, Police Station Rupnagar on 26.06.2021 and it is only thereafter, that the instant FIR came to be registered on 17.08.2021. It is argued that the allegations in the FIR are vague and non-specific qua the petitioner herein.

Notice of motion for 21.03.2022.

Ms. Mahima Yashpal, D.A.G., Haryana

appearing through the medium of video conferencing accepts notice on behalf of the respondent-State.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Status report by way of an affidavit of Additional Superintendent of Police, Ambala, District Ambala has been filed on behalf of State-respondent in CRM-M-5037-2022 titled as “Pooja Kapoor Versus State of Haryana”, wherein it has been *inter alia* submitted as under:-

“10. That in the meantime, on 05.03.2022, co-accused Kamla Verma @ Rinkle, Sandeep Dhiman and Manju wife of Ranjit Singh were apprehended in this case and were questioned and thereafter, they were arrested in this case. However, during interrogation, it has come on the record that there was no cash transaction between the parties in this case, as such the Section 370 IPC was deleted. Thereafter, the accused were produced before the Court of Ld. Illaqua Magistrate and were released on bail. It is further submitted that during interrogation, it has come on the record that the co-accused Mandeep Dhiman had got prepared forged Aadhar Card of the complainant by changing the year of date of birth of the complainant from 2007 to 2002 and also got changed the photograph of the complainant, hence Section 467/468/471 IPC were added in this case against co-accused Mandeep Dhiman, but till date co-accused Mandeep Dhiman has not been arrested in this case as he is concealing himself at unknown place. It is further submitted that the arrest of remaining co-accused person namely Pancham Kapoor is still pending.

11. That during investigation on 07.03.2022, the accused-petitioner came to the IO and produced the copy of order dated 08.02.2022 passed by this Hon'ble Court granting interim protection, and the accused-petitioner joined the investigation with the IO and she was formally arrested in this case and in pursuance of the orders of this Hon'ble Court, the accused-petitioner was released on bail.

12. That it is relevant to submit here that the complainant and her parents have got recorded 04 (four) more cases, the details of which are as under:-

<i>S.No.</i>	<i>FIR No.</i>	<i>U/s</i>	<i>Police Station</i>
1.	357 dated 04.09.2021	195/193/323/382/ 383/420/430/506 IPC	PS Naraingarh, District Ambala Under Trial
2.	148 dated 21.04.2021	363/366-A IPC	PS Naraingarh, District Ambala
3.	309 dated 08.08.2021	346 IPC	PS Naraingarh, District Ambala
4.	352 dated 01.09.2021	363/366/506 IPC	PS Naraingarh, District Ambala

It is submitted that after due investigation the case bearing FIR Nos.148, 309 and 352 (above) have been cancelled, however, another case bearing FIR No.148 dated 06.09.2021 under Section 356 IPC PS Sector-09, Ambala City, District Ambala has been got registered by the Incharge, One Stop Centre, Ambala as the complainant and another fled away from the One Stop Centre, however, the complainant was traced and her custody was handed over to her parents and the above case was also cancelled as none was found involved in this case.”

State counsel has invited the attention of the Court to para 13 of the status report. Still further, upon instructions received from L/PSI, Surekha, she submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, order dated 25.10.2021 is made absolute, subject to the fulfilment of conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

(SUVIR SEHGAL)
JUDGE

24.05.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No