

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M No. 41414 of 2022(O&M)
Date of decision :08.12.2022

Nisha Baid @ Nisha Baidh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raj Pal Singh, Advocate and
Mr. G.S.Verma, Advocate for the petitioner.
Mr. Praveen Bhadu, AAG, Haryana.
Mr. Rajiv Sharma, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No. 408 dated 15.08.2022 registered under Sections 306/34 of the Indian Penal Code, 1860 at Police Station City Ballabgarh, District Faridabad.

On 12.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the deceased was a chronic patient of depression and in the past also he had made several attempts to commit suicide and on 17.07.2021, i.e. prior to the marriage dated 22.11.2021 with the present petitioner, the deceased had attempted to commit suicide and he had admitted in Safdarjung Hospital, New Delhi vide MLC no.186512 dated 17.07.2021. It is further submitted that the petitioner had come to her parental home on 03.08.2022 on occasion of 'Sawan' and her husband had to come to pick her up on 15.08.2022 but the unfortunate incident had taken place on 14.08.2022. It is stated that the petitioner was not at home when the alleged incident had taken

*place. It is also stated that the petitioner is a 25 year old young girl and she is not involved in any other case. Reliance has been placed upon the judgment of a coordinate Bench of this court in **State of Punjab vs. Kamaljit Kaur alias Bholi and another**, reported as 2008(2) RCR (Criminal) 562.*

Notice of motion for 11.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

It would be open to the complainant to place on record the relevant documents to show that the petitioner is not entitled to grant of anticipatory bail. ”

On 11.10.2022, this Court was pleased to pass the following order:-

“Learned State Counsel has submitted that although, the petitioner has joined the investigation but she is required for further custodial interrogation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 21.10.2022 at 11:00 AM.

Adjourned to 04.11.2022.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders dated 12.09.2022 and 11.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Puran Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances

moreso, the facts which have been noticed in abovesaid order dated 12.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 12.09.2022 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.

08.12.2022

Rajeev (rvs)

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No