

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-50148-2021

Date of decision : 4.4.2022

Savita Devi

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashok Kumar Malhotra, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Dushant Rana, Advocate for Mr. Tarun Seth, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.338 dated 27.8.2021 registered under Sections 307, 34 IPC at Police Station Chandimandir, District Panchkula.

Counsel for the petitioner has apprised the Court that the petitioner has joined the investigation in compliance of order dated 28.1.2022. This fact has not been refuted by the State counsel who on instructions from ASI Shivani submitted that the petitioner is not required for any custodial interrogation. He further apprised the Court that on completion of investigation, challan has been presented against the petitioner.

The present petition has been contested by the counsel for the

Kaur out of the running auto rickshaw and the police has presented the challan against the petitioner for commission of offence under Section 307 IPC. He further submitted that the petitioner was named by Kuljeet Kaur in her statement recorded by the police under Section 161 Cr.P.C. He made prayer that the present petition deserves to be dismissed.

Admittedly, FIR in the present case was registered against some unknown persons. Said FIR was registered on the basis of the statement of brother of Kuljeet Kaur in which he stated that auto rickshaw driver and his companions attacked Kuljeet Kaur and caused injuries to her. Said FIR was registered on 27.8.2021. However, name of the petitioner figured in the present case for the first time on 13.11.2021 when the police recorded statement of Kuljeet Kaur wherein she stated that she was thrown out of the running auto rickshaw by the present petitioner.

The petitioner has already joined the investigation and as per instructions received by the State counsel, the petitioner is not required by the police for any further investigation or for custodial interrogation. Nothing remains to be recovered from the petitioner and on completion of investigation, the police has already presented challan against the petitioner. No purpose is going to be served if the petitioner is remanded to police custody at this stage.

In view of the above, the present petition is allowed and order of interim bail dated 1.12.2021 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

April 4, 2022
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE