

CRM-M-48797-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48797-2022

Date of decision: 06.12.2022

Naina

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Navmohit Singh, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

Mr. L.K.Gollen, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.432 dated 30.07.2022, registered at Police Station City Bhiwani, under Sections 454, 380 and 120-B IPC.

Vide order dated 16.11.2022 passed by this Court, the petitioner had been granted *ad interim* pre-arrest bail and directed to join investigation.

Learned counsel for the petitioner submits that pursuant to the order dated 16.11.2022 passed by this Court, the petitioner has joined investigation.

Learned State counsel, on instructions from ASI Jasbir,

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submits that although the petitioner has joined investigation, yet is not cooperating with the investigating agency and a substantial amount is to be recovered from her. Learned State counsel prays that the petitioner be again directed to join investigation.

Learned counsel for the complainant, while opposing the grant of bail to the petitioner, submits that the petitioner had committed the theft in the house of the complainant at the instance of co-accused, Saravarneer @ Sarvarneer; that marriage of the petitioner and the co-accused was solemnized on 01.08.2022 whereas the above-noted FIR was registered on 30.07.2022, and that FIR No.560 dated 06.08.2022, Police Station Krishana Gate, Kurukshetra, under Sections 323, 354, 354-A, 506 and 34 IPC, got registered by the petitioner, has now been cancelled after due investigation.

I have heard the learned counsel for the parties.

As per the learned State counsel, a substantial amount is yet to be recovered from the petitioner and for the same, she be again directed to join investigation. However, it is settled law that the Investigating Agency cannot assume the role of a recovery agent.

In the present case, the petitioner, who is none else but the niece of the complainant, has solemnized inter-caste marriage with the co-accused. It is the specific case of the petitioner that the complainant was against the said marriage.

Keeping in view the fact that the petitioner has joined investigation, but without going into the minute details of the case and expressing any opinion on the merits of the case, this Court finds merits in the present petition and the order dated 16.11.2022, granting interim bail to

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the petitioner, is made absolute, subject to the conditions laid down in
Section 438 (2) of the Code of Criminal Procedure.

06.12.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No