

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

CRM-M-54309-2021

Date of Decision: 01.09.2022

Kaushaliya Devi and another

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kamal K. Chaudhary, Advocate,
for the petitioner.

Mr. Dhruv Sihag, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 588 dated 02.06.2018, under Sections 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860, (subsequently added Section 204 of the IPC), registered at Police Station Faridabad Central, District Faridabad.

On 23.12.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel contends that as per allegations, the accused persons had sold 18 acres of land comprised in Khewat Nos.34 and 35 at village Basantpur, Faridabad on the basis of a GPA, whereas actually the total land comprised in these khewats was 13 acres. He submits that after registration of the FIR on 02.06.2018, the sale deeds have also been cancelled on 10.04.2021 (Annexure P-3) and in this regard, he has invited the attention of the Court to the award passed by Lok Adalat. He further states that the co-accused of the

petitioners have already been released on pre arrest bail.

Notice of motion for 30.03.2022.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C. 23.12.2021

(MANOJ BAJAJ)

JUDGE

23.12.2021”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

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

Learned State counsel has also pointed out in the present case in addition to the offences mentioned in the petition, Section 204 of the IPC has also been added.

Learned counsel for the petitioner has made an oral prayer that the said Section 204 be added in the head note and in the prayer clause of the petition as well as in the present order.

The said oral prayer is allowed and the Registry directed to carry out the necessary corrections of adding Section 204 IPC in the head note as well as in the prayer clause of the petition.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 23.12.2021 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 23.12.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 01, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No