

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49682-2022

Date of decision : 09.11.2022

Rekha and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.K.S.Dhaliwal, Advocate;
Mr.K.P.S. Virk, Advocate; &
Mr.J.S.Kang, Advocate
for the petitioners.

Mr.Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Vikas Singh, Advocate for
Mr.Partap Singh, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.67 dated 09.03.2022 registered under Sections 406, 420, 506 IPC (Sections 380, 120-B IPC added later on) at Police Station Civil Lines Jind, District Jind.

On 28.10.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that in the present case, the petitioners have no role to play and they are house wives and petitioner No.1 is a 70 year old lady and no money was ever paid to the present petitioners. It is further contended that petitioner No.2 was only a witness to the agreement dated 31.08.2020 and as she was merely a witness, she could not be stated to have cheated the complainant party and even the mother of the complainant was

a witness to the said agreement. It is argued that petitioner No.1 was not even a witness to the said agreement.

Notice of motion for 09.11.2022.

Mr. Partap Singh, Advocate, appears on behalf of respondent No.2 and seek time to address arguments.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

October 28, 2022”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation.

Learned State counsel, on instructions of ASI Deepak Kumar, has submitted that the petitioners have joined investigation and are not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 28.10.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 28.10.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

November 09, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No