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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11664-2023
Date of Decision: 17.05.2023

Sushila DeviPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Premjit Singh Hundal, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.433, dated 07.08.2021, registered under Sections 120-B, 201, 420, 467, 468 and 471 of the Indian Penal Code, 1860 and Section 66 of the Information Technology Act at Police Station City Kaithal (Haryana).

2. On 22.03.2023 the following order was passed by this Court :-

*“Present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.433 dated 07.08.2021, under Sections 120-B, 201, 420, 467, 468 & 471 of the Indian Penal Code and Section 66 of the Information Technology Act, registered at Police Station City Kaithal (Haryana).
Succinctly, the instant FIR No.433 dated 07.08.2021 was registered by the Kaithal Police on the basis of a secret*

information and three persons, namely Sandeep, Gautam and Naveen, were arrested by the Kaithal Police on the same day (07.08.2021). After registration of the FIR in question, about 50 persons were indicted in the present case, out of which, more than 20 co-accused persons were granted the concession of regular bail by the Court of Additional Sessions Judge, Kaithal and 15 other co-accused, were granted the benefit of regular bail by this Court vide common order dated 13.07.2022 passed in CRM-M-782-2022, along with 14 other petitions.

Learned counsel for the petitioner submits that the petitioner was working as a Deputy Superintendent in the Office of Principal, Haryana Police Training Academy, Madhuban, District Karnal and co-accused, namely Kuldeep, was also working as an Assistant in the same office. It is submitted that the petitioner was initially not named in the FIR in question and she has been falsely implicated in the present case. It is stated that on 10.01.2022, co-accused (Kuldeep) was arrested in this case, who nominated the petitioner in his second disclosure statement, which otherwise is not admissible in evidence as per the provisions of Section 162 of the Code of Criminal Procedure. It is further submitted that there is no evidence on record, whatsoever, to connect the petitioner with the instant case. It is stated that the petitioner was neither the custodian of examination papers in question nor the said examination papers were to be handled by her at any stage. It is contended that co-accused, namely Rajbir Dhaka, who is similarly circumstanced as the petitioner, has already been granted the concession of regular bail by a co-ordinate Bench of this Court, vide order dated 13.09.2022 passed in CRM-M-37552-2022. Copy thereof is supplied by learned counsel for the petitioner in Court today, which is taken on record, subject to all just exceptions.

Learned counsel states that the anticipatory bail application moved by the petitioner before the Court of Additional Sessions Judge, Kaithal, has wrongly been dismissed, vide order dated 23.02.2023 (Annexure P-2). Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Learned State counsel has filed a reply by way of affidavit dated 15.03.2022 of Mr. Vivek Chaudhary, H.P.S., Deputy Superintendent of Police (AEC), Kaithal, in Court today, which is taken on record, subject to all just exceptions. Copy thereof is also supplied to learned counsel for the petitioner, in Court today itself.

Learned State counsel though opposes the plea of petitioner on the ground of seriousness of the offences, however, he fairly admits that co-accused, namely Rajbir Dhaka, has already been granted the benefit of regular bail by a co-ordinate Bench of this Court, vide order dated 13.09.2022 passed in CRM-M-37552-2022.

List on 17.05.2023.

Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency and in the event of arrest of petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel on instructions from Inspector Anil has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 22.03.2023 passed by this Court is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

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9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.
10. The petition is accordingly disposed of.

17.05.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No