

2023:PHHC:084199

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

CRM-M-15022-2023

Date of Decision: 05.07.2023

LAL MUNNI KHATOON @ LAL MUNI KHATOON

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Balraj Singh Sidhu, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. On 24.03.2023, the following order was passed by the
Coordinate Bench of this Court:-

“The present petition is for grant of anticipatory bail to the petitioner in case FIR No.204 dated 16.08.2022, under Section 346 of IPC (Sections 363, 366, 120-B, 328, 379, 406, 470 of IPC and Section 6 of the POCSO Act added later on and Sections 328, 371, 346, 379 of IPC deleted later on, registered at Police Station Sector 17/18, District Gurugram.

The petitioner is the mother of the main accused.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR but was named in the statement recorded by the prosecutrix and the only allegation was that she had taken ₹20,000/- from the prosecutrix out of which ₹ 5,000/- were given to Archit, co-accused. He further submits that the co-accused Archit has been granted the concession of bail, however, the said order is not on the file. He further submits that the petitioner is ready to deposit a sum of ₹ 15,000/- and prays for grant of anticipatory bail.

Notice of motion.

Mr. S.S. Pannu, DAG, Haryana, accepts notice on behalf of the respondent-State and has vehemently opposed this petition by submitting that the custody of the petitioner is required as it is not only the money but the support given by the mother to his son to commit such a heinous crime and entice away the minor girl. He further submits that the main accused took the girl to various places as far as Ladakh and secondly the present petitioner is a permanent resident of Bihar and there is likelihood that she might misuse the concession of anticipatory bail.

After hearing the counsel for the parties, I am of the opinion that the petitioner being the mother of the main accused and the fact that the main accused Saddam is already in custody, the petitioner is granted the concession of interim bail.

Accordingly, the petitioner shall join investigation on 01.04.2023 at 10:00 A.M. before the Investigating Officer and

cooperate with the Investigating Agency, even thereafter. The petitioner shall get the recovery of ₹ 15,000/- effected and she shall make herself available as and when required by the Investigating Officer and share her mobile number which shall not be switched off at any point of time.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 05.07.2023.”

2. Reply by way of affidavit of Kapil Ahlawat, Assistant Commissioner of Police, Old Gurugram on behalf of the respondent-State has been placed on record.

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and recovery of ₹ 15,000/- has already been effected.

4. Learned State counsel, on instructions from SI Jitender, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 24.03.2023, vide which the petitioner has been granted interim bail, is made absolute.

6. Petition is allowed.

05.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No