

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

201

CRM-M-15215-2023

Date of decision: 25.09.2023

Meenu

..Petitioner

Versus

State of Haryana

..Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Jagbir Singh, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

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**AMAN CHAUDHARY, J.**

1. On 27.03.2023, this Court had passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.556, dated 07.12.2022, under Section 420 IPC, registered at Police Station Sector 27, Sonapat, District Sonapat.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case in a premeditated manner. He submits that petitioner is the second wife of deceased Hari Krishan. He submits that FIR has been lodged by daughter of the deceased from his first wife. He submits that petitioner being the second wife of the deceased has been implicated in this case in a clandestine manner. He has submitted that petitioner is receiving widow pension on account of death of her first husband, as alleged. He submits that the dispute, as alleged, is totally of civil in nature and based on documentary evidence. He submits that civil litigation is also pending between both the sides and thus, no case for custodial interrogation is made out and hence, petitioner is entitled for grant of anticipatory bail. He relies upon judicial precedent of Hon'ble Apex Court in **Arnesh Kumar vs State of Bihar and another**, 2014(3) SCC (Crl.) 449.

Issue notice of motion.

On the asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

List on 20.07.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. She shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so;

(ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

3. Learned State counsel on instructions from SI Daljeet affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is

allowed and the order dated 27.03.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

25.09.2023  
Ankur

( AMAN CHAUDHARY )  
JUDGE

Whether speaking/reasoned :    Yes/No

Whether reportable :                Yes/No