

2023:PHHC:095318

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

201

CRM-M-15199-2023

Date of decision : 26.07.2023

Asha

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Deepak Kundu, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

On 24.03.2023, while issuing notice of motion, following
order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0869, dated 11.10.2022, under Sections 34, 406, 420 IPC and subsequently added Sections 465, 471, 506 and 120-B IPC, registered at Police Station Samalkha, District Panipat.

It has been contended by counsel for the petitioner that petitioner is the wife of co-accused Sandeep. He submits that allegations in the FIR are totally against the husband and petitioner has no complicity in the offence alleged. He submits that the petitioner approached the Court of learned Additional Sessions Judge, Panipat and she was granted interim bail vide order dated 14.03.2023, however, later on, her anticipatory bail was rejected

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on flimsy grounds. He submits that petitioner has no criminal antecedents and thus no case for custodial interrogation is made out, however, she is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers her request for granting the same.

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 19.07.2023.

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. Thereafter on 19.07.2023, a statement was made by State counsel that though, the petitioner has joined investigation but is not

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cooperating as she was refusing to give voice samples and specimen signatures which were necessary for proper investigation to uncover the truth.

3. Today, learned State counsel, on instructions from SI Satpal Singh submits that the petitioner has joined investigation and has now given her specimen signatures for which the custodial interrogation of the petitioner was being required. He submits that in view of above, petitioner is not required for custodial interrogation.

4. Consequently, the interim order dated 24.03.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

26.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No