

2023:PHHC:071563
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-19080-2023 (O&M)
Date of decision: 16.05.2023

Sweety Madan and Another
....Petitioners

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Somender Dahiya, Advocate for the petitioners

Mr. Praveen Bhadu, AAG Haryana

AMAN CHAUDHARY. J.

1. On 19.04.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case FIR No.105 dated 07.02.2023, registered under Sections 323, 34, 341, 452 and 506 IPC at Police Station Barwala, Hisar District Hisar.

Learned counsel contends that the FIR lodged against the petitioners is a counter-blast to the FIR that was registered at the hands of the petitioners against the complainant party under Sections 354, 354-A, 506, 509 and 34 IPC on 08.02.2023 though the incident that had taken place on 07.02.2023, however it was lodged on the next date, due to CCTV being not functional, as is recorded by the Investigating Officer in the said FIR, Annexure P-2. Complainant is the paternal uncle of petitioner No.1. Petitioners are not involved in any other case and are ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Tanuj Sharma, AAG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 25.04.2023. In the event of arrest of the petitioners, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be

deemed to have been vacated. Adjourned to 16.05.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from HC Rakesh affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are not required for further 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 petitioners is allowed and the order dated 19.04.2023 granting interim bail to them, 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 petitioners fail to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

(AMAN CHAUDHARY)
JUDGE

May 16, 2023

M.Kamra

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