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

CRM-M-20571-2023 (O&M)

Date of Decision: 12.07.2023

SATTO DEVI

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rohit Rana, Advocate and
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.110, dated 19.02.2023, under Sections 457, 380, 427 and 34 of IPC, 1860, registered at Police Station Hodal, Palwal, Haryana, who apprehends her arrest at the hands of Police.

On 26.04.2023, this Court had passed the following order:

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.110, dated 19.02.2023, under Sections 457, 380, 427, 34 of IPC, 1860, registered at Police Station Hodal, Palwal, Haryana.

Learned counsel for the petitioner contends that it is absolutely a case of false implication, wherein the bald and vague assertions have been made in the FIR not only against the petitioner, but also against her husband and son with the allegation that they have broken the wall of the shop and taken away articles, which are slippers and shoes etc.

Learned counsel for the petitioner has drawn attention of this Court to the allegations levelled in the FIR, wherein it is stated that 6 big bags alongwith 8 small bags were recovered, but despite recovery of the same, it has not been identified as to how many articles in what nature had been stolen, which clearly doubts the story of prosecution.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of respondent-State, who on the basis of pervi report submits that the petitioner is the landlord and is in dispute with the complainant-tenant seeking eviction from the said premises.

This Court is of the considered view that the stand taken by the prosecution is also of no help, wherein it is apparently evident that there is a dispute admittedly with regard to the premises of which the complainant is seeking eviction from the shop in question and on that account, there is strong assumption that the petitioners have been roped in the false FIR.

However, without commenting into the merits of the case any further, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on her joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 12.07.2023."

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated herself in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by HC Charan Singh, states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.04.2023 is made absolute.

12.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No