

2023:PHHC:106423

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

CRM-M-23949-2022

Date of Decision: 17.08.2023

PARVATI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

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

Mr. Bhupinder Singh Bairagi, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

1. On 30.05.2022, the following order was passed by the
Coordinate Bench of this Court:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.166 dated 08.04.2022, registered for offences under Section 346 of the Indian Penal Code, 1860 (for short “IPC”), however, later on, Sections 366, 376(2)(n), 302 and 120-B, IPC were added, whereas Section 346, IPC was deleted, at Police Station Dabwali, District Sirsa.

Counsel for the petitioner has contended that name of the petitioner has surfaced during the confessional statement of main accused, Amandeep @ Aman, who has been arrested and his statement is inadmissible in evidence. He submits that even the other co-accused, namely, Mukesh, who allegedly accompanied the main accused, has also been arrested. Counsel has submitted that the petitioner is accused of letting out a room where Amandeep @ Aman allegedly sexually assaulted the deceased-victim, whereas the petitioner and co-accused, Mukesh, stood on guard. Counsel submits that petitioner is a lady and cannot be accused of offence of rape.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. She seeks and is granted time to file a status report.

List on 27.07.2022.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.”

2. Subsequently, on 06.12.2022, the following order was passed by the Coordinate Bench of this Court:-

“Mr. Bhupinder Singh Bairagi, Advocate has put in appearance on behalf of the complainant and has filed his 'Vakalatnama', which is taken on record.

Counsel for the petitioner has invited attention of the Court to the interim order dated 30.05.2022 passed by this Court as well as to the status report submitted by the State.

Petitioner is directed to join the investigation on 12.12.2022 at 10.00 a.m., at Police Station Dabwali, District Sirsa and cooperate with the investigating agency. In the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

List on 10.07.2023.”

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, the investigation of the case is complete, challan has been presented and charge has also been framed.

4. Learned State counsel, on instructions from ASI Anand, 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 06.12.2022, vide which the petitioner has been granted interim bail, is made absolute.

6. Petition is allowed.

17.08.2023
smriti

(VIVEK PURI)
JUDGE

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