

(201)

2023:PHHC:108401

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23873 of 2023

Date of Decision: August 21, 2023

Pooja ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.(Oral)

On 11.05.2023, the following order was passed by this

Court:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.879, dated 23.09.2022, under Sections 406, 420 IPC, registered at Police Station Assandh, District Karnal.

It has been contended by counsel for the petitioner that main allegations regarding taking money for sending son of the complainant to Australia on study visa are against husband and brother-in-law (Devar) of the petitioner. It is submitted that only in order to pressurize husband of the petitioner, allegations of receiving amount of Rs.70,000/- in cash has been levelled against the petitioner, which is totally false and frivolous. He submits that petitioner has no complicity whatsoever in the allegations made and she is a house-wife. He has submitted that in facts and circumstances, neither any prima facie case nor any case for custodial interrogation is made out against the petitioner, 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 asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 21.08.2023.

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.”

Status report by way of affidavit of Shri Sandeep Singh, Deputy Superintendent of Police, Assandh, Karnal has been filed on behalf of the respondent- State.

Learned State Counsel submits that petitioner has already joined the investigation which fact is also referred in para No.3 of the status report.

In view of the above, order dated 11.05.2023 is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

August 21, 2023

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(DEEPAK GUPTA)
JUDGE

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