

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

**CRM-M-25208-2023 (O&M)
Date of decision : 25.09.2023**

Geeta Chawla @ Geeta Rani

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajwant Singh Chahal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.209 dated 26.03.2023, under Sections 148, 149, 323, 324 of the Indian Penal Code, 1860 (Section 326, IPC added later on), registered at Police Station City Sirsa, District Sirsa.

(2) Above FIR was registered on the basis of statement made by complainant-Pankaj Kumar with the allegations that 4-5 days back, hot

words were exchanged between his son-Varun & Jaadu as well as his brother-Annu Chawla. After two days, Jaadu, Anu along with 4/5 other boys came outside his house and the complainant apologized for aforesaid occurrence. Thereafter, on 25.03.2023 at about 11:00 PM, when complainant was sleeping, he heard a noise of hitting brick against his main gate. Immediately, the complainant went to the roof and saw that Jaadu, Anu, their mother-Geeta (petitioner) along with 10-12 boys were standing and trying to come on the roof. Upon seeing complainant, all the accused started throwing empty bottles and brick bats towards him and due to that, he received injuries on eyes and face. Geeta (petitioner) asked the assailants, not to leave the complainant. On seeing the persons gathered from neighbourhood, all the accused fled away.

(3) The Coordinate Bench, vide order dated 18.05.2023, granted interim bail to the petitioner and which reads as under:-

“Present petition has been filed for grant of anticipatory bail in case FIR No.209 dated 26.03.2023 under Sections 323,324,326 (added later on), 148,149 IPC registered at P.S City Sirsa, District Sirsa.

It is contended that the petitioner has falsely been embroiled. From the bare reading of the allegations in the FIR, the petitioner has been shown to be part of unlawful assembly and has not been attributed any specific injury. Learned counsel submits that even otherwise both the families are at loggerheads. In fact, the petitioner along with other residents had lodged a complaint against the son of the complainant for having indulged in illegal activities and creating ruckus outside his house under the influence of drugs. Present FIR is only a counterblast and that the petitioner has no criminal past.

Notice of motion for 31.08.2023.

In the meantime, 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 date fixed.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

(5) Learned State Counsel, on instructions from Inspector Pardeep Kumar, also acknowledged that petitioner has joined investigation and as on today, her custodial interrogation is not required.

(6) In view of above, interim order dated 18.05.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(9) Disposed off accordingly.

September 25th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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