

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CRM-M-28614-2023

Date of Decision: 19.09.2023

Preeti

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 27 dated 18.01.2023 registered under Sections 376, 328, 354-C, 120-B, 386 and 506 IPC at Police Station Saran, District Faridabad.

On 01.06.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.27 dated 18.01.2023, registered under Sections 376, 328, 354-C, 120-B, 386 and 506 of the Indian Penal Code, 1860 at Police Station Saran, District Faridabad.

Notice of motion.

Mr. Brijesh Sharma, AAG, Haryana accepts notice on behalf of respondent-State.

At this stage, Mr. Akshit Mehta, Advocate has put in appearance and filed his Vakalatnama on behalf of complainant in Court today, which is taken on record and submits that complainant has no objection to the grant of bail to the petitioner, as she has received the entire amount

back.

A perusal of the FIR and the serious allegations leveled against the petitioner and now looking into the act and conduct of the complainant at this stage, that she has resiled and has granted no objection, demonstrates that apparently the complainant has misused and abused the process of law, whereby she has ruined the dignity and integrity of not only the petitioner but also husband of petitioner and another person by leveling serious allegations.

Learned State counsel is directed to take appropriate action in accordance with law and if it is found that this no objection by complainant was out of some pressure or coercion, appropriate action shall be taken against the accused person(s).

*However, keeping in view the fact that the main accused Naresh and Jai i.e. husband of the petitioner are already in custody and the fact that the petitioner has been blessed with the child on 16.03.2023, the petitioner is granted the concession of anticipatory bail and she is directed to join investigation on **04.06.2023 at 10:00 A.M.** before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.*

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 19.09.2023.

However, any observation made in this order shall not be construed as any expression of opinion and this order shall not be relied upon to claim parity by other co-accused.”

Learned counsel for the petitioner submits that in compliance of the order dated 01.06.2023 passed by this Court, the petitioner has joined the investigation.

Status report dated 18.09.2023, filed by way of affidavit of Sh. Abhimanyu Goyat, HPS, Assistant Commissioner of Police, Badkhal Faridabad, on behalf of respondent-State, is taken on record. A copy thereof, has been supplied to learned counsel for the petitioner.

Learned State counsel, on instructions from SI Annu, states

that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 01.06.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join the investigation and cooperate with the investigating agency in case she is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

19.09.2023
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(NIDHI GUPTA)
JUDGE

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