

S. No.202

2023:PHHC:121976

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30021 of 2023

Date of Decision:15.09.2023

Bhateri

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Menka Gupta, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

On 08.06.2023, following order was passed by this Court:-

“The petitioner has filed the present petition for grant of anticipatory bail in FIR No.160, dated 21.05.2020, under Sections 306 and 34 of the IPC, 1860, registered at Police Station Bhuna, District Fatehabad, Haryana.

Learned counsel for the petitioner submits that in the instant FIR, during the course of investigation, the petitioner was declared innocent along with her husband and son, but subsequently has been summoned by way of an application under Section 319 of Cr.P.C., vide order dated 05.04.2022. It has been further asserted that the deceased committed suicide in the house of his own sister at village Saniyana, District Fatehabad, which is situated at a distance of approximately 90 kilometers from the house of the petitioner and allegations on perusal of the FIR could easily be taken to be vague and without any specific instance of abetment, instigation or harassment immediately prior to the commission of suicide. Counsel for the petitioner further submits that the similarly situated coaccused of the petitioner, namely Chanderbhan has been granted interim bail by this Court vide order dated 1.6.2023, passed in CRMM-28290-2023.

Notice of motion.

On the asking of the Court, Mr Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of State of Haryana and opposes the concession of anticipatory bail at this stage on the ground that there was a

constant harassment and humiliation being caused by the petitioner to the deceased namely Bhateri, though, could not controvert the fact that the petitioner was declared innocent, during the investigation and was placed in column No.2 in the challan, who has now been summoned only in an application under Section 319 of Cr.P.C.

Since similarly situated co-accused of the petitioner, namely Chanderbhan, her husband, has been granted the concession of interim bail, the present petitioner also deserves the same relief. Accordingly, the petitioner is directed to appear before the learned trial court in pursuance of the summoning order. In case, she puts in appearance before the learned trial court, she shall be released on interim bail on furnishing personal surety/security bonds to the satisfaction of the learned trial court.

Adjourned to 15.9.2023.

To be heard with CRM-M-28290-2023.”

It is stated by learned State Counsel that in fact petitioner was found innocent during investigation and that it is only during trial that on an application under Section 319 Cr.P.C., the petitioner was summoned to face trial by the Court of Sessions.

However, learned counsel for the complainant has opposed the bail to the petitioner by pointing out towards the gravity of the offence.

Considering that custody of the petitioner is not required for any investigation, which already stands concluded and involvement of the petitioner in the crime is a matter of trial, therefore, the objection raised by counsel for the complainant is found to contain no merit. As such, order dated 08.06.2023 as reproduced above is hereby made absolute.

Disposed of.

September 15, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No