

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

210

CRM-M-30693-2023

Date of decision: 03.08.2023

Harjinder Kaur

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Lovepreet Kaur, Advocate for
Mr. Satbir S. Gill, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 16.06.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.78 dated 21.02.2023, registered under Sections 323, 452, 506 and 34 IPC (Section 307 IPC added later on) at Police Station Sadar Sirsa, District Sirsa.

Learned counsel contends that the injury attributed to the petitioner is though on the head of the complainant, however, the same is simple as it was stated in the FIR that the complainant came back home after receiving first-aid. The injury which attracts the offence punishable under Section 307 IPC is attributed to her husband Malkiat Singh, who is in custody. Petitioner has two minor children aged 12 years and 9 years, who require to be looked after and there is no one else in the family. She is not involved in any other case and is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Dhruv Sihag, AAG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 23.06.2023. In the event of her arrest, she shall be released on interim bail to the

satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 03.08.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. She further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.
3. Learned State counsel on instructions from SI Jai Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 16.06.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

03.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No