

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

CRM-M-30834 of 2023(O&M)

Date of Decision: 12.12.2023

Pooja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. S.D. Rathore, Advocate
For the petitioner.**

Mr. N.S. Sheoran, DAG Haryana

**Mr. Madan Sandhu, Advocate
For the complainant.**

KARAMJIT SINGH, J.

1. This is second petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 337 dated 26.09.2022, registered under Section 328 IPC at Police Station Purani Sabzi Mandi Rohtak.

2. The brief facts of the case of prosecution are that complainant Mahender Pal lodged complaint with the police that on 18.09.2022 at about 9:30 a.m. his son Ashish left the house and came back on the same day at about 7:00 p.m. and complained about headache and went to his room. At about 10:00 p.m. Ashish was found lying unconscious and when water was provided to him, he did vomiting and then he was taken to PGIMS, Rohtak where the doctor suspected that some poison or intoxicant was administered to him. Thereafter, it was revealed that on that day Ashish was in company of petitioner, who administered some poisonous or stupefying substance to

Ashish. The petitioner apprehending her arrest filed petition under Section 438 Cr.P.C., but the same was withdrawn on 19.05.2023 with liberty to approach the Sessions Court. Thereafter, the Court of Sessions dismissed the bail application filed by the petitioner under Section 438 Cr.P.C. vide order dated 31.05.2023. Thereafter, the present petition has been filed by the petitioner.

3. I have heard the counsel for the parties.

4. The petitioner was granted interim bail by this Court vide order dated 20.07.2023 with direction to join the investigation with the police. Today, counsel for the petitioner made statement that petitioner did the needful in compliance of the aforesaid order.

5. The State counsel also apprised the Court that indeed the petitioner has joined the investigation with the police and for the time she is not required for the purpose of further investigation by the police.

6. However, the present petition is opposed by counsel for the complainant who submits that custodial interrogation of the petitioner is required for proper investigation of the case.

7. From the perusal of the allegations made in the FIR, it appears that there was some friendship between petitioner and Ashish. The plea of the petitioner is that she asked Ashish to perform marriage with her but he refused to do so and when the petitioner threatened to lodge police complaint for cheating against him, the complainant falsely implicated her in the present case. Admittedly, the petitioner who is a young girl aged about 22 years, has joined the investigation and no purpose is going to be served even if the petitioner is sent to police custody at this stage.

8. In light of the above, without commenting on the merits of the case, instant petition is allowed and order of interim bail dated 20.07.2023 passed by this Court is hereby made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. The petitioner should join the further investigation as and when called to do so by the police.

(KARAMJIT SINGH)
JUDGE

12.12.2023
Jiten

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