

208 (2nd case)

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

**CRM-M-31060-2023 (O&M)
Date of decision : 14.07.2023**

Sarabjeet Kaur

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Viney Phogat, DAG, 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.337 dated 21.05.2023, under Sections 323, 34, 427, 452, 506 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Thanesar Sadar, District Kurukshetra.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Vikas Kumar to the effect that petitioner-Sarabjeet Kaur along with her husband/co-accused-Puneet Kumar came to

his residence on 17.05.2023. Both the accused hurled filthy abuses to the complainant and his wife and caused injuries to them. Petitioner gave a bite on the left arm of the complainant. The occurrence took place on account of non-payment of promised money to the accused for sending brother-in-law of the complainant abroad.

(3) The Coordinate Bench, vide order dated 22.06.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer in the present petition is for grant of pre-arrest bail to the petitioner in case FIR No. 337 dated 21.5.2023 registered under Sections 323, 34, 427, 452, 506 IPC at Police Station Thanesar Sadar, District Kurukshetra.

Learned counsel for the petitioner has contended that it is a case of version and cross version and it is yet to be determined who is the aggressor party. It has been contended that the complainant had duped his co-brother and his wife ran away and the petitioner was just trying to pacify the matter because of which she had been involved in this false case. It has been submitted that the petitioner is ready and willing to join the investigation and be granted concession of interim bail.

Notice of motion.

Mr. Rajiv Goel, DAG Haryana accepts notice on behalf of State.

Status report be filed on or before the next date of hearing.

Adjourned to 14.7.2023.

In the meantime, the petitioner is directed to join investigation. In the event of arrest, she shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C.”

(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) The above factual position is duly acknowledged by learned State Counsel, on instructions from HC Amit Kumar and further stated that custodial interrogation of the petitioner is not required at this stage.

(6) In view of above, interim order dated 22.06.2023 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.

July 14th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>