

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

211

CRM-M-31121-2023

Date of decision: 10.08.2023

Pooja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sylvester Stephen, Advocate, for the petitioner.

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

Mr. Sumit Chahal, Advocate, for the complainant.

AMAN CHAUDHARY. J.

1. On 13.07.2023, this Court had passed the following order:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 198 dated 30.05.2023, registered under Sections 380, 454 IPC at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner argues that in the present case, keeping in view the allegations alleged in the FIR, the petitioner was initially seen sleeping on the bed by the complainant in her own house and upon noticing the complainant, the petitioner ran away after which, the complainant came to know that there was a theft at the hands of the petitioner.

Learned counsel for the petitioner submits that the present allegations are false and motivated and have been alleged keeping in view the rivalry between the neighbours. Learned counsel further submits that nothing has come on record as to why, the complainant had left her house unlocked on the day of the incident, when she went out for some work. Learned counsel for the petitioner submits that there is a delay of 07 days in registering the FIR. Learned counsel further submits that the petitioner is ready to join the investigation and cooperate, hence, she may kindly be extended the concession of anticipatory bail.

Learned State counsel submits that the allegation is of theft but in case the petitioner joins the investigation and cooperate with the same, the investigating agency will try to find out the truth behind the allegations.

Learned counsel for the complainant submits that though the complaint was given to the police on the same day but as the police was trying to find out the actual fact, the FIR was

registered after 07 days by the police, hence, the said delay cannot be attributed to the complainant. On being asked, as to why complainant's house was kept open in her absence, learned counsel for the complainant could not explain the said fact.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case as noticed hereinbefore, as the allegations alleged in the FIR are yet to be proved, the purpose of investigation will be achieved in case, the petitioner is directed to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation and co-operate with the same, she has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That she shall make himself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 10.08.2023.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed."

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He 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 ASI Sukhbir 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 13.07.2023 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.

(AMAN CHAUDHARY)
JUDGE

10.08.2023
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No