

CRM-M-34995-2023

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102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34995-2023

Date of Decision: 21.07.2023

Meena Nanda and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Mohan Singh Chauhan, Advocate,
for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.244 dated 20.04.2023 registered under Sections 120-B, 420, 465, 468 and 471 of the Indian Penal Code, 1860, at Police Station Ambala City, District Ambala.

2. It is submitted by the learned counsel for the petitioners that the case against the petitioners is totally false and frivolous. The petitioners have not committed any crime as alleged against them. Even as per the story of the prosecution, the allegations in the case are that regarding birth of a child, one Nandani wife of Ashwani Kumar gave an affidavit to the effect that the child named Keshav Thamman was born at her house and attempted to get the birth of the child registered on the basis of that certificate, despite the birth of the child having already been registered in Punjab. Even in these allegations, the petitioners are not alleged to have fabricated any document. The issue is involving adoption of the said child with the consent of the natural parents. There is no other case against the petitioners.

3. Notice of motion.

4. Mr. K.K.Chahal, Additional Advocate General, Haryana,

accepts notice on behalf of the respondent-State and vehemently opposed the petition.

5. On the other hand, the learned State Counsel, on instructions from ASI Sanjeev Kumar, has submitted that the petitioners have tried to mislead the authorities and have obtained the false information regarding birth of the child at the house of Nandani despite the fact that the birth of the child was already registered in Punjab. Hence, it is obvious that the petitioners are also involved in the crime. However, it is not disputed that the matter relates to only registration of the birth and the petitioners are the adoptive parents of the child in question. It is also not disputed that there is no other case pending against the petitioners.

6. In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to the petitioners. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

21.07.2023

adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No