

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-36870-2023 (O&M)

Date of Decision: 09.11.2023

POONAM RANI

... Petitioner

VERSUS

STATE OF HARYANA & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Priyavrat Parashar, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana
for respondent No.1.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) for grant of anticipatory bail to the petitioner in FIR No.36 dated 17.04.2023 under Sections 10 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 354 and 506 of the Indian Penal Code, 1860 registered at Women Police Station, Kaithal.

2. On 31.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) for grant of anticipatory bail to the petitioner in FIR No.36 dated 17.04.2023 under Sections 10 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 354 and 506 of the Indian Penal Code, 1860

registered at Women Police Station, Kaithal.

Learned counsel for the petitioner would contend that the petitioner and the complainant were married in the year 2010 and were blessed with six children out of which two daughters have been given in adoption. It is further contended that the petitioner left the company of the complainant in March 2022 whereas the present FIR has been lodged on 17.04.2023. It is further contended that the FIR is the result of a matrimonial discord between the parties and that the allegations in the FIR are that the complainant was told by his daughter that the petitioner herein had told the victim that she would be selling her to Naveen for an amount of Rs.50,000/-. However, the victim in her statement under Section 164 CrPC, which finds mention in the order dated 04.07.2023 passed by the Additional Sessions Judge, Special Court, Kaithal, stated that Naveen had asked the mother to give the girl to him in lieu of Rs.50,000/-.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State of Haryana.

Let notice be issued to respondent No.2 returnable 09.11.2023.

Meanwhile, the petitioner is directed to join

investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Manjeet Kaur, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 31.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

09.11.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO