

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

212

CRM-M-40659-2023 (O&M)

Date of decision: 03.10.2023

Krishna Devi

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhishek Chha, Advocate for the petitioner

Mr. B.S. Virk, Sr. DAG Haryana

AMAN CHAUDHARY. J.

1. On 21.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.139 dated 30.04.2023, registered under Sections 323, 308, 195-A, 506 and 34 IPC at Police Station Civil Lines, District Sonipat.

Learned counsel contends that the petitioner has been falsely implicated on account of the fact that she, being the mother of the main accused Sandeep, who has been attributed with injury on the head of the deceased, which was however on account of having fallen down after co- accused allegedly gripped his neck. Still further as per the PMR, the cause of death was not on account of any injury but due to ‘coronary artery disease over and upon chronic ischemic heart disease and necrotizing granulomatous inflammation of the lungs.’ There is no specific role attributed to the petitioner except that she was present at the spot. The son of the petitioner and the complainant are involved in one more FIR. The petitioner is not involved in any other case. She is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 28.08.2023. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions

as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 03.10.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but 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 Bijender 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 21.08.2023 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

October 03, 2023

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No