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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M - 41076-2023
Date of decision: 21.08.2023*Sunita*.....*Petitioner**Versus**State of Haryana*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Shiv Kumar Rana, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 237 dated 21.106.2023, registered under Sections 323, 324, 34, 506 of the Indian Penal Code (Sections 326 and 201 added later on), at Police Station Pundri, District Kaithal (Annexure P1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false, frivolous and concocted. The petitioner is not involved in the crime as alleged against her. Even as per the allegations of the complainant, the petitioner is alleged to have given some *laathi* (stick) blows on the left hand and back of the complainant. None of the alleged injuries has been declared as grievous. There is no other case against the petitioner. Even the present case is emerging from a family dispute because the complainant and the petitioner are belonging to the same family. The petitioner shall join the investigation as and when called by the police.

Hence, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts the notice on behalf of the respondent - State.

Counsel for the State, on instructions from ASI Parveen Kumar has submitted that the petitioner is one of the participants in the crime as alleged against her. Therefore, the petitioner does not deserve to be protected against her arrest. To unearth the true dimensions of the crime committed by the petitioner, her custodial interrogation is imperative in the present case. However, it is not disputed that the only allegation against the petitioner is qua giving *laathi* blows on the left hand and back of the complainant. It is also not disputed that the persons involved in the present case are the family members.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to her furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner 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

August 21, 2023

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Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No