

2023:PHHC:141391

216 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45920-2023
Date of decision: 06.11.2023

Seema MainiPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Aggarwal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.735 dated 30.04.2021 under Sections 135 & 151 of Indian Electricity (Supply) Act, 2003, Police Station I & P, Karnal, District Karnal.

2. On the last date of hearing/on 14.09.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him/her/them to join investigation:-

“Learned counsel contends that the petitioner is neither the owner of the property where the alleged raid had been conducted nor user of the alleged electricity connection. She has been falsely implicated in this case, as even the address mentioned in the FIR, Annexure P-1, notices dated 20.03.2023 and 12.04.2023, Annexure P-2 & P-5 is different from that of the petitioner, which stands substantiated from her Aadhaar Card, appended along with power of attorney to the

present petition. Having received these notices, she was also constrained to file a civil suit for declaration that the aforesaid notices being illegal, null and void thus, not binding on her and for mandatory injunction directing the respondents not to recover the alleged amount of Rs.1,02,339/- and that proceedings against her be cancelled. He relies on orders dated 09.07.2010 and 13.11.2019, Annexure P-6 & P-7 passed by this Court granting anticipatory in a similar set of facts. 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 and will cooperate.”

3. Learned counsel for the petitioner submits that in compliance of order dated 14.09.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He further submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 14.09.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

06.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No