

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-48721-2022
Date of decision: 27.03.2023

NEERAJ

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Namish Sodhi, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the complainant.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 547 dated 22.07.2022, under Sections 193, 420, 467, 468, 471, 506 and 120-B of IPC registered at Police Station Civil Lines, Karnal, District Karnal.

On 22.11.2022, 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 case FIR No.547 dated 22.07.2022, registered under Sections 193, 420, 467, 468, 471, 506 and 120-B of the IPC at Police Station Civil Lines, Karnal, District Karnal.

Learned counsel for the petitioner contends that the petitioner who is an illiterate and a household lady having no role to play in the

alleged transaction that has taken place between her husband Virender Singh and Naresh. The amount transferred into her account has however since been deposited before this Court in pursuance to the order passed by this Court on 21.06.2022. He submits that the petitioner is neither the author of the alleged writing regarding panchayat not having taken place on 11.02.2022, nor signatory to the same. Learned counsel submits that the petitioner is ready and willing to join investigation.

Notice of motion.

At the asking of the Court, Mr. Tanuj Sharma, AAG Haryana accepts notice on behalf of respondent-State.

Learned counsel for the complainant opposes the bail on the ground that she is direct beneficiary of the transaction though he is unable to controvert that the said amount has been deposited in the Court as stated aforesaid by the learned counsel for the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 01.12.2022.

In the event of arrest of the petitioner, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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.

At this stage, learned counsel for the parties are ad idem that there is a possibility of an amicable settlement between the parties for which they pray that the parties be referred to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.12.2022.

Adjourned to 31.01.2023.

Report of the Mediator be filed on or before the next date of hearing.”

Learned counsel for the petitioner submits that in pursuance of the above order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Bahadur Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

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 22.11.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

27.03.2023
Mehak

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