

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

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**CRM-M No. 49849 of 2023
Date of Decision : 9.10.2023**

*Mansippy Matharoo @ Bini @ Mansipy**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.S. Gill, Advocate, for the petitioner

Mr. Karan Puggal, DAG, Punjab

Mr. P.S. Guliani, Advocate, for the complainant

TRIBHUVAN DAHIYA J. (ORAL):

The prayer in this petition is for grant of pre-arrest bail to the petitioner in case FIR No.187 dated 2.9.2022 under Sections 384 IPC, Section 66 (E), 67, 67-A of the Information Technology Act, 2000 (Sections 376 and 120-B IPC added later on), registered at Police Station Sarabha Nagar, Ludhiana.

2. Learned counsel for the petitioner contends that the main accused/petitioner's husband has already been granted regular bail vide order dated 19.4.2023, Annexure P-8. The petitioner approached this Court seeking pre-arrest bail by filing a petition, CRM-M No.44912 of 2022 titled *Sarabpreet Singh Matharoo @ Sandy Matharoo and another v. State of Punjab*, wherein vide interim order dated 28.9.2022, she was directed to join the investigation and ordered to be released on bail by the

Investigating/Arresting Officer in the event of arrest. However, on the

next date of hearing, learned State counsel submitted that the petitioner was not required for investigation since she was not an accused, and the petition was accordingly disposed of, vide order dated 04.05.2023, which reads as under:

Learned State counsel, on instructions from ASI Hardeep Singh, submits that petitioner no.2 was not required to join the investigation since she was not an accused. She has been wrongly named in the case by a Computer Operator, against whom a departmental enquiry has already been initiated.

In view thereof, the petition stands disposed of.

3. Subsequently, the petitioner has been summoned to face trial as an additional accused by the trial Court under Section 319 Cr.P.C. vide order dated 16.8.2023, therefore, the instant petition has been filed.

4. Learned State counsel, on instructions from SI Balvir Singh, does not dispute the facts stated by learned counsel for the petitioner. He further submits that investigation of the case is already over, and the petitioner is no longer required for investigation.

5. Learned counsel for the complainant, however, objects to grant of protection to the petitioner on the ground that she might influence the witnesses.

6. Heard.

7. In view of the facts aforestated, it is apparent that investigation of the case is over and the petitioner's custody is not required by the investigating agency. She has been summoned to face trial under Section 319 Cr.P.C. There is no apprehension expressed either by the State or the trial Court that she might hamper the trial or influence/threaten the witnesses; the submission of learned counsel for the complainant to the

contrary is not substantiated by any material, and therefore rejected.

8. Accordingly, the petitioner is directed to join the proceedings and appear before the trial Court on or before the next date of hearing; on doing so, she shall be admitted to bail to its satisfaction.

9. Allowed in the aforementioned terms.

(TRIBHUVAN DAHIYA)
JUDGE

9.10.2023

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No