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

**CRM-M-55892-2022
Date of Decision: 28.03.2023**

Ajmero Devi and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Diwan S. Adlakha, Advocate
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.99 dated 12.03.2022, registered under Sections 323, 506 and 34 of the Indian Penal Code (Section 302 IPC added later on), at Police Station Bilaspur, District Yamuna Nagar.

On 07.02.2023 the following order was passed by this Court :-

“Present petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail to the petitioners in case FIR No.99 dated 12.03.2022 (Annexure P-1), under Sections 323 and 506 IPC read with Section 34 IPC (Section 302 IPC, added later on), registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioners inter alia submits that both the petitioners are females and petitioner No.2 is having four minor daughters, including one about 5 months old, who needs her care. It is stated that the petitioners have been falsely

implicated in this case at the behest of complainant and there is an inordinate and unexplained delay of nine hours in reporting the matter to police. It is further submitted that the allegations levelled against the petitioners in this case are vague and no specific injury has been attributed to them. It is further stated that the petitioners have been roped in the present case in order to put pressure upon co-accused, namely Sewa Singh and Inderjeet Singh. Learned counsel for the petitioners contends that the only allegation levelled against the petitioners, along with other persons, namely Ashok, Jasbir and Vinod, are that they have given fist and leg blows to the complainant, however, the aforesaid persons (Ashok, Jasbir and Vinod) have already been declared innocent during the investigation, as per Case Summary dated 16.11.2022 (Annexure P-5). Learned counsel submits that even otherwise, it is a case of version and cross-version. It is further submitted that no other case, except present FIR (Annexure P-1), is pending against the petitioners and they are ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Learned State counsel opposes the plea of petitioners on the ground of seriousness of the offences. However, he fairly concedes the fact that the persons, namely Ashok, Jasbir and Vinod, have already been declared innocent during investigation of the case, as per Case Summary dated 16.11.2022 (Annexure P-5).

List on 28.03.2023.

In the meanwhile, in the event of arrest of petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, they shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from ASI Manoj Kumar has not disputed the aforesaid fact of joining of investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, the present petition is

allowed and the ad-interim order dated 07.02.2023 passed by this Court is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

28.03.2023

Himani

**(HARSH BUNGER)
JUDGE**

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