

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

207

CRM-M-61170-2022

Date of decision: 28.08.2023

Mukesh Kumari

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Afzal Hussain, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 02.01.2023 and 08.05.2023, this Court had passed the following orders:-

“Learned counsel for the petitioner contends that the FIR was registered in July 2021 and the petitioner has joined investigation a number of times. He further states that the petitioner is still willing to join the investigation and co-operate with the same. Learned counsel further submits that the petitioner has already been dismissed from service and her custodial interrogation is not required as the case is based on documentary evidence.

Notice of motion.

On the asking of the Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of the State of the Haryana.

Adjourned to 21.03.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her.”

“Learned counsel for the petitioner submits that the petitioner has never misused the concession granted by this Court and is willing to appear before the Investigating Officer for the purposes of further investigation which may include Ossification test and DNA test in accordance with law. Learned counsel has

also submitted that it is the Investigating Officer who seems to be biased against the petitioner.

Be that as it may, the petitioner is now directed to appear before the Investigating Officer for the purposes of further investigation.

List on 28.08.2023.

Interim order to continue.”

2. Learned counsel submits that in pursuance of the aforementioned orders, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

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

4. 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 orders dated 02.01.2023 and 08.05.2023 granting interim bail to her, are hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

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

(AMAN CHAUDHARY)
JUDGE

28.08.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No