

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

288

CRM-M-1245 of 2024
Date of decision:01.02.2024

DILPREET KAUR PALAYA

..PETITIONER(S)

Versus

STATE OF HARYANA

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondent No.2.

HARPREET SINGH BRAR , J (ORAL)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 568 dated 06.10.2023 registered under Sections 406, 420 of IPC at Police Station Ambala City, District Ambala.
2. On 11.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as CR.P.C) for grant of anticipatory bail to the petitioner in FIR No.568 dated 06.10.2023 registered under Sections 406, 420 IPC at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner, inter alia, contends that the petitioner is a household lady and accusation against her is that some amount was deposited in her bank account of which she was not even had knowledge. The entire prosecution case is based on the documentary evidence and her under-

trial detention would seriously affect the welfare of her minor children. Nothing is to be recovered from the petitioner.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. Shivam Chaudhary, Advocate has put in appearance on behalf of the complainant and files his memorandum of appearance, which is taken on record and undertakes to file his vakalatnama before the next date of hearing. He vehemently opposes grant of anticipatory bail to the petitioner on the ground that the petitioner has been named in the FIR and a specific role has been attributed to her.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslimalias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 19.01.2024 and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and

direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 01.02.2024.

Nothing observed hereinabove shall be construed as an expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court”.

- 3. Learned State counsel, on instructions from ASI Jai Kumar, submits that in compliance of order dated 11.01.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
- 4. Keeping in view the statement made by learned State Counsel the order dated 11.01.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
- 5. The petition is accordingly allowed.
- 6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

01.02.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No