

**209(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-2792-2023 (O&M)****Date of Decision: 07.02.2024****BABITA****...Petitioner****V/S****THE STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. R.K. Choudhary, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Rakesh Sobti, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 0021 dated 18.01.2020 registered under Sections 420, 494, 120-B and 506 of Indian Penal Code (Sections 467, 468, 471 of IPC added later on) at Police Station Gadpuri, District Palwal.

2. On 19.01.2023, following order was passed:

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.0021 dated 18.1.2020, under Sections 420, 494, 120-B, 506 of IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Gadpuri, District Palwal.

Learned counsel for the petitioner inter alia contends that Co-ordinate Bench of this Court vide order dated 22.12.2022 passed in CRM-M-60017 of 2022 has granted interim bail to co-accused Sunil Kumar. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire

family.

Notice of motion.

On the asking of Court, Ms. Dimple Jain, AAG, Haryana who is present in court on advance notice, accepts notice on behalf of State-respondent.

Mr. Rakesh Sobti, Advocate filed Vakalatnama on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at appropriate place.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273** and on the ground of parity as well the fact that petitioner is a lady, at the first instance, the petitioner is directed to appear before investigation officer on 25.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned 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.

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.

Adjourned to 24.3.2023.

To be heard alongwith CRM-M- 60017 of 2022."

3. Learned State counsel has filed the status report dated 03.02.2024 by way of affidavit of Shakir Hussain, HPS, Deputy Superintendent of Police, Palwal, District Palwal on behalf of respondent-State of Haryana and on instructions from ASI Sube Singh Singh, submits that in compliance of order dated 19.01.2023 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 19.01.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

07.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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