

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

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CRM-M-7111-2024 (O&M)
Date of decision: 12.02.2024

Anju Bala and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manan Bhardwaj, Advocate
for the petitioners.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of notices dated 24.01.2024 (Annexures P-1 and P-2), whereby the petitioners have been called upon to join the preliminary enquiry at CIA Staff-II, Disrtrict Ambala.

2. Brief facts relevant for the purpose of disposal of the present petition are that the petitioners have been arraigned as accused in FIR No. 0268 dated 22.11.2023, under Sections 323, 406, 498-A and 506 of IPC at Police Station Ambala City, Sector 9, Ambala, which has been got registered at the instance of complainant Neha Goyal, who is daughter-in-law and wife of the petitioners, respectively. They had moved an application for grant of anticipatory bail before the Additional Sessions Judge, Ambala and vide order

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dated 19.12.2023, while observing that they had already joined investigation and had been released on bail by the police, the said application was disposed off. A perusal of the record shows that on 12.01.2024, the complainant has moved a complaint to Home Minister, Govt. of Haryana for transferring the investigation of the aforementioned FIR to some other police station outside Ambala on the grounds that proper and impartial investigation was not carried out and even the jewelry articles were not recovered from the accused persons. The said complaint has been forwarded to the office of Superintendent of Police, Ambala and has been further marked to the Police Station concerned for enquiry, in which, now the aforesaid notices have been issued to petitioners calling upon them to join enquiry on 24.01.2024.

3. Learned counsel for the petitioners submits that the petitioners have already joined investigation and they are no more required for any further interrogation. They apprehend that on their appearance before the Enquiry Officer, they may be arrested. It is, therefore, prayed that the aforesaid notices may be set aside.

4. Learned State counsel has, however, submitted that the aforesaid notices have been issued to the petitioners only to re-join the investigation in the present FIR as the aforesaid complaint, which is annexed as Annexure P-5 with the present petition, is not a fresh complaint and it has been filed by the complainant with regard to present FIR making allegations that the police has not conducted a proper and impartial investigation in the matter and no recovery of jewelry articles has been effected. Since the petitioners have already been granted concession of anticipatory bail by the Court of Additional Sessions Judge, Ambala, they are protected from their arrest. Even

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a perusal of the notice would show that it is categorically mentioned that no FIR, in pursuance of the said complaint, has been registered in the matter and the purpose of the said notice is only to provide an opportunity to the petitioners to present their case.

5. I have heard learned counsel for the parties and have also gone through the material placed on record.

6. From a perusal of the record, it is apparent that the petitioners have been granted benefit of pre-arrest bail by the Additional Sessions Judge, Ambala in the aforesaid FIR and they have already joined investigation. By way of aforesaid notices issued by the police, they have only been called upon to re-join the investigation in pursuance of filing of the aforesaid complaint by the complainant, wherein she has made allegations against the police itself that they have not conducted the investigation properly and even recovery of jewelry articles have not been effected. The apprehension of the petitioners that they can be arrested by the police in connection with this case seems to be baseless. The grant of anticipatory bail is always subject to certain conditions, which have been prescribed under Section 438(2) Cr.P.C., according to which, the accused person shall make himself available for interrogation by a police officer as and when required. So is the present case.

7. Accordingly, finding no merit in the present case, the same is dismissed.

12.02.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes

Yes