



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**206**

CRM-M-7165-2024

Date of Decision: 16.07.2024

Sharda Devi

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Rohit Sharma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

**NIDHI GUPTA, J. (ORAL)**

Vakalatnama filed on behalf of the complainant is taken on record.

The petitioner has filed the present 1<sup>st</sup> petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 202 dated 07.12.2023, registered under Sections 498-A, 325, 377, 406 and Section 506 read with Section 34 IPC at Police Station Bajghera, District Gurugram.

On 09.02.2024, when this case was listed for hearing, following order was passed by this Court:-

*“Prayer in this first petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.202 dated 07.12.2023 (Annexure P-1) under Sections 498-A, 325, 377, 406 and 506 IPC read with Section 34 IPC, registered at Police Station Bajghera,*



*District Gurugram.*

*Learned counsel for the petitioner/mother-in-law inter alia submits that the petitioner was initially granted interim protection by the learned Court below vide order dated 02.1.2024 (Annexure P-6) passed by the Additional Sessions Judge, Gurugram, however, the same was not made absolute as it was alleged that certain recoveries have to be made from the petitioner. Learned counsel submits that as per the allegations levelled by the complainant and the prosecution, the only recovery of one gold chain and one ring was to be made from the petitioner.*

*Learned counsel for the petitioner submits that as per the whatsapp chats dated 23rd October 2023 (Annexure P-4), perusal of the same reveals that the complainant herself has admitted in the whatsapp chat that she had mortgaged the said gold chain and the ring with some shop. It is further submitted that the complainant is an alcoholic and the allegations made in the FIR are wholly false and fabricated. It is also brought to the notice of this Court that the co-accused/husband of the petitioner/father-in-law of the complainant, and their other daughter-in-law/sister-in-law of complainant have been released on bail and the husband of the complainant/son of the petitioner herein has been incarcerated for more than 27 days.*

*Notice of motion.*

*On asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice on behalf of State and seeks time to file reply in the matter.*

*Adjourned to 16.7.2024.*

*In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of her arrest, she shall be released on interim bail on her furnishing bail bonds to the satisfaction*



*of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-*

- i) that the petitioner shall make herself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender her passport, if any.*

*Meanwhile, State counsel is directed to file fresh affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”*

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

Reply dated 12.07.2024, filed by way of an affidavit of Sh. Naveen Sharma, Assistant Commissioner of Police, West, Gurugram, on behalf of respondent-State is taken on record.

On instructions from L/ASI Suman, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, though the petitioner has joined the investigation on 02.03.2024 and is co-operating with the investigating agency, however, recovery of dowry articles is yet to be effected from her.

I have heard learned counsel for the parties.

Hon'ble the Supreme Court in **Bimla Tiwari vs. State of Bihar and others**, **Law Finder Doc ID # 2110551**, has held that “matter



of grant of bail is not akin to money recovery proceedings”, which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in **CRM-M-60647-2023**, ‘Varun Sharma vs. State of Punjab and another’.

In view of the above, the order dated 09.02.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join the investigation and co-operate with the investigating agency in case she is required for the same in future as and when called upon to do so.

In case, at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

**16.07.2024**

*rishu*

**( NIDHI GUPTA )  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**