

CRM-M-9228-2024

Mamta Surender Malik

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Punit Verma, Advocate for
Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Kanishk Sarup, Advocate
for the complainant/respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.551 dated 14.06.2023 under Sections 120-B/406/420/467/468/471 of IPC registered at Police Station Samalkha, District Panipat (Annexure P-1).

On 21.02.2024, the 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.551 dated 14.06.2023 registered under Sections 120-B, 406, 420, 467, 468, 471 IPC at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner, inter alia, contends that the petitioner is a household lady and in fact, she is the victim. She has already made a complaint (Annexure P-6) against the complainant. The case of prosecution is entirely based on the documentary evidence and therefore, custodial interrogation of the petitioner is not required.

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 and opposes the prayer for grant of anticipatory bail to the

petitioner.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 28.02.2024 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 19.03.2024.

Nothing observed hereinabove shall be construed as 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.’

Learned State counsel on instructions from SI Varinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

Learned counsel appearing for respondent No.2 vehemently opposed prayer made by learned counsel for the petitioner.

In view of the statement of learned State counsel, order dated 21.02.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.03.2024

Neha	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No