



Sr. No.258(04)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-776-2024
Date of decision: 21st May, 2024

ISHARAVATI DEVIAppellant
versus
STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sandeep Kumar, Advocate
for the appellant.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Parveen Kumar, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed by the appellant assailing the order dated 13.02.2024, passed by the learned Additional Sessions Judge, Special Court, Karnal, whereby the bail application filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the appellant in FIR No. 35 dated 13.03.2023, under Sections 376 (2) (n) 452, 420 and 506 of the IPC read with Section 34 thereof and Sections 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Women, District Karnal, has been dismissed.
2. Learned counsel for the appellant *inter alia* contends that the appellant is the mother-in-law of the first informant and she has been falsely implicated in the present case. The appellant was granted interim bail vide order dated 26.02.2024, which reads as under:-



“xxx xxx xxx xxx

1. *Learned counsel for the appellant inter alia contends that the son of the appellant-Sonu Gupta and the complainant have solemnized their marriage on 07.03.2021 and their marriage photographs (Annexure A-3) are part of the paper book. After their marriage, the complainant started smoking and drinking alcohol on regular basis, as such there was fight and due to the said grudge, the present FIR was registered.*
2. *He further contends that the appellant belongs to a backward class, therefore provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not applicable in the present case. The trial Court has dismissed the bail application merely on the ground of non-maintainability in view of the provisions of Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further submits that the appellant is ready to join the investigation.*
3. *He further submits that the son of the appellant-Sonu Gupta, has also filed an appeal before this Court, which is bearing No. CRA-S-293- 2024, in which while issuing notice of motion to respondent No. 2, interim protection was also granted by this Bench, vide order dated 22.02.2024. A copy of the said order has been supplied by learned counsel for the appellant in Court today.*
4. *Reliance has been placed upon the latest judgments of Hon'ble the Supreme Court in Prathvi Raj Chauhan Vs. Union of India and others, reported as 2020(4) SCC 727, and Hitesh Verma vs. State of Uttarakhand reported as 2020 (4) RCR (Criminal) 868, to contend that in such like situation, the bar under Sections 18 and 18-A of the Act of 1989 would not apply.*
5. *Notice of motion.*
6. *Having received advance copy of the petition, Mr. Amrik Singh Narwal, D.A.G. Haryana, accepts notice on behalf of respondent No. 1 and seeks time to file reply.*
7. *Adjourned to 24.04.2024 for service of respondent No. 2.*
8. *To be heard along with CRA-S-293-2024.*
9. *In the meanwhile, the appellant is directed to join investigation within ten days and in the event of arrest, she shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-*



(i) That the appellant shall further make herself available for interrogation by a police officer as and when required.

(ii) That the appellant 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 from disclosing such facts to the Court or to any police officer.

(iii) That the appellant shall not leave India without the prior permission of the Trial Court/CJM concerned

xxx xxx xxx xxx”

3. Learned counsel for the appellant submits that the appellant has joined the investigation in compliance of the aforesaid order dated 26.02.2024, passed by this Bench.

4. Learned State counsel, on instructions from DSP Vijay Kumar, confirms that the appellant has joined investigation and also contends that her further custodial interrogation is not required.

5. Learned counsel for the complainant/respondent No.2 has opposed the present appeal on the ground of gravity of allegations levelled against the petitioner.

6. In view of the reasons recorded in the order dated 26.02.2024 and keeping in view the fact that the appellant has joined investigation and her further custodial interrogation is not required by the Investigating Agency, the present appeal is allowed and the order dated 26.02.2024, granting interim bail to the appellant is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.



8. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the appellant violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

21st May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>