

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

103

Criminal Misc. No. M-10352 of 2024

Date of decision :-28.02.2024

Dhan Devi and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Yuvraj Singh Chauhan, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

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.0105 dated 09.5.2022 (Annexure P-1) under Sections 323, 34, 406, 498-A and 506 IPC, registered at Police Station Women NIT Faridabad, District Faridabad.

Learned counsel for the petitioners *inter alia* submits that petitioner No.1 is mother-in-law and petitioner No.2 is brother-in-law of the complainant. It is submitted that the complainant was married to the son of petitioner No.1 on 04.12.2011. One child was born out of their wedlock. Thereafter, due to temperamental differences, the present FIR was registered. It is submitted that the allegations made in the FIR pertain to the year 2013, however, the FIR was registered only on 09th of May, 2022 i.e. after a delay of approximately 09 years. Moreover, the allegations mentioned in the FIR pertain to the husband of the complainant i.e. son of petitioner No.1, who is now deceased. However, the present petitioners have been roped in just by

way of omnibus allegations made against all members of the family. Learned counsel further submits that notice under Section 41-A Cr.P.C. was received only in the name of deceased-husband of petitioner No.1.

Notice of motion.

On asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice on behalf of respondent-State and on instructions, informs that the petitioners have been declared proclaimed offenders and PO challan against them has already been submitted before the trial Court on 18.12.2023.

In view of this position, learned counsel for the petitioners submits that the petitioners would surrender before the trial Court and join the trial proceedings as and when directed by this Court. Learned counsel further submits that in view of the aforesaid position, the trial Court may be directed to release the petitioners on bail on the same day.

I have heard learned counsel for the parties and gone through the case file carefully.

The present petition is hereby disposed of with a direction to the petitioners to surrender before the trial Court concerned within 15 days from today, whereupon the trial Court concerned is directed to release the petitioners on bail on the same day subject to their furnishing requisite bail bonds and surety bonds as per its satisfaction.

February 28, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No