

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-21195-2024
Date of decision: 29.05.2024

SABRA

...PETITIONER

V/s

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Afjal Hussain, Advocate
for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.69 dated 12.03.2024, registered for the offences punishable under Sections 323, 342, 498-A, 406, 376, 506, 34 of IPC (Section 313 of IPC added later on) at Police Station City Nuh District Nuh.

2. On 07.05.2024, the following order was passed:-

“Status report, by way of affidavit of Sonakshi Singh, IPS, Assistant Superintendent of Police, District Nuh (Mewat) has been filed by learned State counsel in the Court today and the same is taken on record. Copy thereof has been furnished to the learned counsel opposite.

Inter alia contends that the genesis of the FIR in question is the matrimonial discord between the complainant-wife and son of the petitioner; son of the petitioner already stands arrested; petitioner as also her family members are ready for an amicable settlement with the complainant- wife; petitioner is willing to return the dowry articles/istridhan including gold articles in her possession to the complainant-wife & petitioner is willing to join investigation and

cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.

Adjourned to 29.05.2024.

The petitioner is directed to appear before the Investigating Officer on 13.05.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from L/ASI Saroj, has stated that pursuant to the order dated 07.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has argued that keeping in nature and severity of the offence, the specific role attributed to the petitioner and that the petitioner in furtherance of common object was involved with the other accused in commission of the offence in question and the offence Section 313 Cr.P.C. has been invoked against the petitioner in which there is a provision of life imprisonment as well. Thus, he has argued that the present anticipatory bail be declined.

5. Keeping in view the entirety of facts and circumstances of the case including the facts that the petitioner is a lady aged about 55 years and the factum of State not wanting her custodial interrogation, the above order is made absolute.

6. In view of above, the present petition is allowed and interim order dated 07.05.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 29, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No