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

CRM-M-24095-2024
Date of decision: 01.07.2024

Rani alias Rani Devi ....Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navneet Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Saurabh Sharma, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.07 dated 10.01.2024 under Sections 376/506/120-B of IPC and Section 384 of IPC added later on, registered at Police Station Ismailabad, Kurukshetra.

On 14.05.2024, the following order was passed:-

> *'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail in FIR No.07 dated 10.01.2024 under Sections 376, 506, 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 384 of IPC (added later on), registered at Police Station Ismailabad, District Kurukshetra.*
>
> *Learned counsel for the petitioner, inter alia, contends that the petitioner is a household lady and she has no concern with the allegations levelled in the FIR (supra). The allegations with regard to offence under Section 376 of IPC have been levelled against co-accused Sandeep Kumar. It is further contended that the allegations levelled by the complainant-prosectrix are not believable, as the petitioner, co-accused Sandeep Kumar and the prosecutrix are residents of the same village. As such, the allegation with regard to introduction of the complainant-prosecutrix with co-accused are highly improbable.*
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> *Notice of motion for 01.07.2024.*
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> *At this stage, Mr. Saurabh Sharma, Advocate accepts notice on behalf of the complainant and files his Vakalatnama, which is taken on record.*

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> *He vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific allegations against her that she has introduced the complainant-prosecutrix with co-accused Sandeep Kumar, who has committed rape upon the prosecutrix.*
>
> *Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in* ***Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375*** *and* ***Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565****, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner Rani @ Rani Devi shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*
>
> *If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.*
>
> *Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'*

Learned State counsel on instructions from ASI Naib 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 the complainat vehemently opposed the grant of anticipatory bail to the petitioner on the ground of seriousness of the offence.

In view of the statement of learned State counsel, order dated 14.05.2024 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

01.07.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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