

CRM-M-26456-2023 (O&M)

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26456-2023 (O&M)
DATE OF DECISION:-29.02.2024

Brij Lata Sharma @ Brajlata Sharma ...Petitioner.

Vs.

State of Haryana and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Pankaj Nanhera, Advocate for respondent No.2.

HARKESH MANUJA, J. (Oral)

CRM-53126-2023

Prayer in this application is for placing on record two audio clips in pen drive, challan dated 22.09.2023 and transfer order dated 19.09.2023 as Annexures R-1 to R-3 respectively.

Learned counsel for applicant-respondent No.2 prays for withdrawal of the present application with liberty to raise all the pleas as have been raised in the present application, before the trial court.

Dismissed as withdrawn with the aforesaid liberty.

Main case

1. Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.157 dated 23.03.2023, registered under Sections 323, 34 and 506 IPC (Section 452, 325 and 307 IPC added later on), at Police Station Sanjay Gandhi Memorial Nagar, District Faridabad.

2. On 25.05.2023, this Court passed the following order:-

“Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.157 dated 23.03.2023 under Sections 323, 34, 506 of IPC (Sections 452, 325, 307 of IPC added later on), registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

It has been contended by counsel for the petitioner that the present FIR has been lodged on account the dispute among the family members. He submits that the petitioner before this Court is the sister-in-law of respondent No.2-Gauri Sharma. He further submits that on account of the family dispute, petitioner has been falsely implicated in this case. He submits that from the allegations made in the FIR, petitioner has been alleged to have given danda blow on the head of husband of the complainant. He submits that on account of the injury suffered, offence under Section 325 of IPC was added. However, later on, on the opinion of the Medical Officer, offence under Section 307 IPC has been added only in order to make the offence serious one. He submits that in the facts and circumstances of the case offence under Section 307 IPC is not made out as there was no intention of the petitioner for causing the said offence. He submits that the co-accused has already been granted interim bail by this Court vide order dated 17.05.2023. He submits that in the facts and circumstances of the case, petitioner is ready to join investigation.

Notice of motion for 11.09.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. She shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner 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 her from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

3. Though, there has been opposition raised on behalf of complainant-respondent No.2, however, learned State counsel on instructions from SI Gaurav, Police Station SGM Nagar submits that as per the medical opinion dated 21.09.2023 obtained from the Board of Doctors, the injury upon the person of injured-Rakesh Sharma has been

opined to be simple in nature.

He further submits that in compliance of order dated 25.05.2023, the petitioner has joined the investigation and is not required for further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 25.05.2023 passed by this Court, is hereby made absolute.

29.02.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No