



CRM-M-31661-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-31661-2024
Date of Decision : 19.09.2024

Asha ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. On 08.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.393 dated 09.08.2023, under Sections 420, 406, 120-B of the IPC, registered at P.S. Baldev Nagar, District Ambala.*
- 2. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR, merely on account of her being the wife of one of the main accused Surender Mehla. The principal cause behind arraying her as an accused is to exert pressure upon the main accused to enter into compromise, as per the terms and conditions of the complainant. Moreover, although the petitioner has been named in the FIR, but, there is no allegation of entrustment of any money to her. In fact, the petitioner is a homemaker and she does not have any*



concern or connection with the day to day affairs and business of her husband.

3. *The learned counsel for the petitioner further submits that, vide order dated 09.01.2024, the petitioner was granted the concession of interim anticipatory bail by the learned Additional Sessions Judge, Ambala and she was directed to join investigation. However, owing to some communication gap between the petitioner and her trial court counsel, the petitioner could not appear before the investigating officer and failed to join investigation. This default of the petitioner resulted in the dismissal of her anticipatory bail application.*

4. *The learned counsel for the petitioner submits that the absence of the petitioner before the investigating officer was neither intentional nor wilful, rather was due to the reasons mentioned hereinabove. He submits that the petitioner is ready and willing to join the investigation and she will not violate any of the terms and conditions, as may become imposed upon him.*

5. *On the other hand, the learned State counsel, who is in receipt of advance notice, submits that, in fact, the anticipatory bail petition of co-accused Bikram Jeet Singh and Surinder Mehla (petitioner's husband) has already been dismissed by a Co-ordinate Bench of this Court, vide detailed order dated 15.02.2024. Therefore, the petitioner also does not deserve the concession of anticipatory bail.*

6. *Be that as it may, since there are no specific allegations regarding entrustment of money to the petitioner, therefore, at this stage this Court deems it appropriate to grant the concession of interim anticipatory bail to the petitioner.*

7. *Notice of motion for 04.09.2024.*

8. *Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*



9. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. On the last date of hearing, learned State counsel, while referring to paragraph No.20 of the instant petition, raised objection to the extent that the petitioner has approached this Court, by concealing material facts. In paragraph No.20, of the instant petition, which is duly supported by an affidavit, it has been mentioned that the petitioner is not involved in any other case, whereas, in paragraph No.12 of the reply dated 03.09.2024, it is specifically mentioned that the petitioner is involved in two other cases.

3. Learned counsel for the petitioner submits that in one case i.e. FIR No.29, registered on dated 30.03.2023, at Police Station dhakoli, District SAS Nagar, Mohali, the petitioner is not named in the FIR (supra), in fact, her husband is the accused, therein. So far as, the second case, i.e. FIR No.228 of 2023, registered at Police Station Dhand, District Kaithal, is concerned, she has never been called, nor summoned in that FIR, therefore, she is not aware about the pendency of the second FIR. Finally, learned counsel submits that the averment made in the instant petition, is a *bona fide* averment, for the reasons explained hereinabove.

4. Today, the learned State counsel, on instructions imparted to him by SI Mukesh Kumar, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined the investigation and she is no longer required for further custodial interrogation.



5. In view of the above, the hereinabove extracted interim order dated 08.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;*
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;*
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”*

6. This order should not be treated as “**blanket**” order. It will not be read granting petitioner(s) 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.

7. Needless to say, that anything observed hereinabove, shall not be construed to be an expression of opinion, on the merits of the case.

(KULDEEP TIWARI)
JUDGE

September 19, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No