



In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-32296-2024 (O & M)

Date of Decision: July 10, 2024

KAVITA DEVI AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Karan Singh, Advocate for the petitioners.

Mr. B. S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.356 dated 13.06.2024 registered for offences punishable under Sections 420/406/34 IPC at Police Station Azad Nagar, Hisar.
2. Learned counsel for the petitioner submits that whatever he has attributed would reflect the active involvement of his son namely, Himanshu, along with whom the present petitioners have been nominated as co-accused merely on account of relationship with Himanshu. It is vehemently contended on behalf of the petitioners that petitioner No.2 is a poor Auto Rickshaw driver and is earning livelihood for himself and his wife, having disowned their son namely Himanshu for his wrongs and misdeeds, who is constantly involved in another multiple criminal case with which they have no concern whatsoever.
3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions opposes the prayer for grant of bail. He submits that though there is no incriminating material connecting the petitioners with the alleged incident except the bald statement regarding Rs.2 lacs in cash given to petitioner No.2 but admittedly no other mode or any interaction between the present petitioners and the complainant namely Sachin son of Kirshan Kumar would be revealed. However, he seeks joining of interrogation of the petitioners for getting the proceedings move in the instant FIR to which counsel for the petitioner undertakes to join and cooperate as and when they are called by the Investigating Officer.

5. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the petitioners the concession of bail, if the petitioners have bona fide intentions and are willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time. Be that as it may having regard to the aforesaid fact and the submissions made on behalf of the counsel for the petitioner that they are parents of co-accused Himanshu and are earning their livelihood by operating Auto-rickshaw have no concern with co-accused Himanshu, though he is their son but has been disowned lately on account of mischiefs and unlawful activities.

6. Hence, in view of the admitted set of circumstances before this Court, the petitioners are directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on furnishing of

personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

7. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically stands cancelled.

8. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

July 10, 2024
A.Kaundal

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