

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-40029-2024 (O&M)
Date of Decision: 20.09.2024

SAVITA DEVI

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Toor, Advocate with Mr. Adhiraj Toor, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.060 dated 01.05.2024 registered under Sections 302, 309, 109, 328, 498-A, 120-B/201 of Indian Penal Code at Police Station City Kanina, District Mahendergarh.

2. On 20.08.2024, following order was passed:

“The instant petition has been filed under Section 438 Cr.P.C. (hereinafter referred to as Cr.P.C.) for grant of anticipatory bail to the petitioner in FIR No.060 dated 01.05.2024 registered under Sections 302, 309, 109, 328, 498-A, 120-B/201 IPC at Police Station City Kanina, District Mahendergarh.

Learned counsel for the petitioner inter alia contends that as per the case set up by the prosecution, only allegation of cruelty breaching threshold of Section 498A IPC has been leveled against the petitioner. It is admitted case that mother of the deceased-Arnav has made a statement under Section 164 Cr.P.C and confessed to have administered poison to him. The petitioner is a household lady and pre-trial detention would cause her grave inconvenience and hardship. Similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 15.07.2024 (Annexure P-4) passed in CRM-M No.33126 of 2024. Moreover, the



main accused namely Tejpal i.e. son of the accused has already been arrested by the jurisdictional police authorities.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

At this stage, Ms. Mona Yadav, Advocate appears on behalf of the complainant and vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the investigation of the case is still pending and the veracity of the allegations against the petitioner are yet to be verified.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 27.08.2024 and on her doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Ratan Singh, submits that in compliance of order dated 20.08.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 20.08.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly disposed of.

20.09.2024		(HARPREET SINGH BRAR)
Ajay Goswami		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No