



102

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

CRM-M-40171-2024

Date of Decision: August 22, 2024

BABLI

.....Petitioner(s)

V/S**STATE OF HARYANA**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parmidner Walia, Advocate for
Mr. Manoj K. Sharma, Advocate
for the petitioner.

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

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.301 dated 09.07.2024 under Sections 420, 406, 34 IPC, 1860 registered at Police Station Gohana City, District Sonapat.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'To, Sir Superintendent of Police Gohana. Subject: for taking action against Babli wife of Chand Singh and her son namely Deepak son of Chand Ram r/o Adarsh Nagar Gohana,



District Sonipat, Mobile no. 9350460575. Sir, It is requested that I am Subhash Chander son of Dariyav Singh r/o Adarsh Nagar Gohana, District Sonipat and I am law abiding citizen. I am retired from Haryana Roadways as Sub Inspector. The above said accused had borrowed the Rs. 900000 Nine Lacs on 24.08.2022 from to me for running a cloth shop and at that time it was agreed that profit of the business would be shared. Sir, later on the above said accused neither any share in the profit has been given to me, nor my amount has been returned. When I told her to returning the money, then she used the filthy language and started fight with me. She told me that you can do anything, but no one can do anything of me. On dated 22.07.2023 I try to settle the matter on the asking of two respectable persons, on which she promised to pay Rs. 60,000 (Sixty Thousand) on 1.11.2023 and remaining amount later on. But she has not paid any single penny. On 01.11.2023 we went to ask for money, she said that I am a woman and will implicate you in a false case. In her all criminal activities her son Deepak is equally Involved. In this way the above said accused has cheated us and tried to grab our money. Due to this there is threat to our life and liberty and respect. It is requested that legal action may kindly be taken against Babli and her son Deepak and justice be delivered to us. Thanking You, SD/- Subhash Chander son of Dariyav Singh r/o Adarsh Nagar Gohana, District Sonipat, Mobile no. 9466202031. Dated 09.07.2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case, and has not received any single penny from the complainant. There is no written agreement with regard to

borrowing of money from the complainant. Learned counsel for the



petitioner submits that the allegations against the petitioner are vague and concocted just to extract money from her.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of anticipatory bail on the grounds that custodial interrogation of the petitioner is required for thorough investigation in the matter.

4. **Analysis**

Be that as it may, after giving a thoughtful consideration to the submissions made by counsel for the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is 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.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week 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 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such



directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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 him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

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

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

22.08.2024
Sangeeta

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