

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-43025-2023(O&M)
Date of decision: 29.04.2024

Nidhi Singh
...Petitioner
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anshul Khurana, Advocate for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana.
Ms. Parbeen Dharwal, Advocate for
Ms. Lavish, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.) has been filed for grant of pre-arrest bail to the petitioner in FIR No.492 dated 07.06.2023, under Sections 379, 294, 406 of Indian Penal Code, 1860, registered at Police Station Camp, District Palwal, Haryana.

(2) Allegations are that petitioner-daughter of the complainant did not treat her well; took away the keys of almirah, ATM card, bank pass book and gold of complainant and refused to return the same.

(3) Contends that this Court granted interim bail to the petitioner on 29.08.2023 and in terms thereof, she has joined the investigation; thus her custodial interrogation is not required.

(4) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

(5) On the other hand, learned counsel for the complainant has opposed the prayer.

(6) Heard learned counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim bail by this Court on 29.08.2023 and order reads as under:-

“ *Notice of motion.*

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 25.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(8) It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and her custodial interrogation is not required at this stage.

(9) Although, learned counsel for complainant objected to the prayer of the petitioner, but State is not asking for custodial interrogation, therefore, the objection of complainant is rejected.

(10) In view of above, interim order dated 29.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(13) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

(14) Disposed off accordingly.

(15) Pending application(s), if any, shall also stand disposed off.

29.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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