

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-47600-2023 (O&M)
Date of Decision: 18.04.2024

SHANTI YADAV

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Ashok K. Sharma (Bhana), Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Mayank Yadav, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.0066 dated 05.07.2023 registered under Sections 323, 34, 406, 498-A, 506 IPC at Women Police Station Narnaul, District Mahendergarh.
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant-respondent No.2 on account of a matrimonial dispute between the son of the petitioner and respondent No.2-complainant. He further contends that matter has been settled between the parties and matrimonial dispute *inter se* the son of the petitioner and respondent No.2 has been resolved. He submits that amount of maintenance has already been settled *inter se* the parties. He further submits that the petitioner had joined the investigation in pursuance to the order dated 20.09.2023 passed by

the Coordinate Bench of this Court.

3. On 20.09.2023, The Coordinate Bench of this Court passed the following order:-

“Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 0066 dated 05.07.2023 registered under Sections 323/34, 406, 498-A and 506 IPC at Women Police Station, Narnaul, District Mahendergarh.

Learned counsel for the petitioner, inter alia, contends that the petitioner is 72-year-old mother-in-law of complainant/respondent No. 2. It is submitted that complainant/respondent No. 2 was married to the son of the petitioner on 22.02.2019 and in the month of May, 2019, she along with her husband/son of the petitioner had moved to Chennai, where her husband was posted as Apprising Officer. No children were born out of the said wedlock. Though, specific allegations have been made against the petitioner, however, the same are baseless, false and fabricated as the petitioner lives separately at Bulandshahar (Uttar Pradesh), whereas the complainant/respondent No. 2 as stated above, was residing along with her husband at Chennai. Nothing has to be recovered from the petitioner. She is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of respondent No. 1-State; whereas Mr. Mayank Yadav, Advocate who is present in Court accepts notice on behalf of respondent No. 2-complainant and submits memo of appearance which is taken on record. Learned counsel for respondent No. 2 undertakes to furnish Vakalatnama in the Registry within two weeks from today.

Learned counsel for the complainant submits that as per the FIR, the petitioner has forcibly demanded Rs.51 lakhs from the family of complainant/respondent No. 2. Learned counsel while vehemently opposing the prayer for grant of anticipatory bail to the petitioner submits that serious and specific allegations have been levelled against the petitioner in the FIR.

On the other hand, learned counsel for respondent No. 1-submits that recovery of dowry articles is yet to be effected from the petitioner.

Adjourned to 01.03.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of her arrest, she shall be released on interim bail on her furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make herself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender her passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

4.

Learned counsel for respondent No.2, who has filed his memo of appearance and is also appearing in connected petition i.e. CRM-M-51459-2023 contends that compromise has been effected between the son of the petitioner and respondent No.2. He further contends that both the son of the petitioner and respondent No.2 have decided to file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court.
5.

Learned counsel appearing on behalf of the respondent-State on instructions from ASI Asha confirms that the petitioner has joined the investigation. However, he has informed that he has no information about the compromise, which is stated to have been effected between the parties as well as recovery of the alleged amount of maintenance.
6.

Keeping in view the reasons recorded in the order dated 20.09.2023 and keeping in view the fact that the petitioner has joined investigation; her custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 20.09.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
7.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
8.

All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

18.04.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No