

2024:PHHC:019064

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

103

CRM-M-48060-2023

Date of decision: 12.02.2024

Bohati

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. D.P.S. Bajwa, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.247 dated 06.09.2023, registered for the offences punishable under Sections 323, 324, 354-B, 452, 509, 34 of IPC at Police Station Uchana, District Jind.

2. On 22.09.2023, the following order was passed:-

“Prayer in this 2nd petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 0247 dated 06.09.2023 (Annexure P-1) registered under Sections 323, 324, 354B, 452 and 509 read with Section 34 IPC at Police Station Uchana, District Jind.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner along with her co-accused, namely, Jassa, S/o Gulaba and Ravinder (son of the petitioner) is alleged to have gone to the fields of the complainant, while he was irrigating the fields, as there was a dispute between the parties regarding the time of water (time when the fields have to be irrigated). After the

altercation concluded between the parties, the petitioner along with her co-accused had again gone to the house of the complainant, where they are alleged to have caused injuries to him. It is submitted that the co-accused of the petitioner, namely; Jassa and Ravinder (son of the petitioner) have already joined the investigation and the petitioner is also willing to join the investigation. It is further submitted that the only allegation levelled against the petitioner is that she was carrying a sword in her hand and no injury has been attributed to her. It is also submitted that infact, the complainant had inflicted injuries upon the co-accused of the petitioner, namely, Jassa and Ravinder (son of the petitioner) as is evident from the MLR (Annexure P-2).

Notice of motion.

On the asking of Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of respondent-State.

Adjourned to 14.12.2023.

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.”

3. Learned State counsel, on instructions from ASI Neer Singh, has stated that pursuant to the order dated 22.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 22.09.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 12, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No