

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52753-2023
Date of decision: 19.03.2024

POONAMPETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gaurav Grover, Advocate with
Ms. Charu Sharma, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Divyam Singh, Advocate
for the complainant.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
308	01.06.2023	406 and 420 of IPC	Industrial Sector 29, District Panipat.

2. Learned counsel for the petitioner has paid Rs.59000/- to learned counsel for the complainant, who has accepted the same in Court i.e. Rs.49,000/- vide Banker's Cheque No. 250464 dated 18.03.2024, copy of which has been placed on record and another Rs.10,000/- by way of Google Pay.

3. After receiving this amount, learned counsel for the complainant has no objection if the petitioner is granted concession of bail.

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4. Learned counsel for the petitioner submits that in compliance to the order dated 12.12.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 12.12.2023.

5. Learned State counsel, on instructions from SI Subhash, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor she is required for further investigation.

6. During the course of hearing on 12.12.2023, following order was passed:

“2. Learned counsel for the petitioner submits that there are chances of settlement in the present case and requests that the matter may be referred to the Mediation. To show his bona fide, he has brought demand draft dated 08.12.2023 of Bank of Baroda drawn in favour of Lata Rani-complainant.

3. Learned counsel appearing on behalf of the complainant has very fairly agree that the matter may be referred for mediation and has submitted that the aforesaid draft be handed over to him with the undertaking that the same will not be encashed till further orders from this Court and has also pleaded no objection, if in the meanwhile, interim bail is granted to the petitioner to participate in the mediation proceedings. Accordingly, the aforesaid original demand draft has been handed over to Mr. Divyam Singh, Advocate for the complainant, with the aforesaid undertaking that the said demand draft will not be encashed by the complainant without the orders of this Court. The matter is referred to Mediation and Conciliation Centre of this Court. Parties are directed to appear there on 21.12.2023 at 10.00 A.M. for further proceedings.

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4. Report from Mediator be called for 22.01.2024.

5. In the meanwhile, the petitioner is hereby directed to join and co-operate in the investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

7. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor she is required for any custodial interrogation, interim bail granted vide order dated 12.12.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

19.03.2024

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No