

CRM-M-55819-2023

2024:PHHC:009121

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-55819-2023

Date of Decision : January 24, 2024

RAJ KUMARI AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aman Pal, Advocate for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Keshav Partap Singh, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioners in case FIR No.359 dated 19.9.2023, under Sections 406, 420, 506 of IPC, registered at Police Station Bilaspur, Yamuna Nagar.

2. At the very outset, the learned counsel for the petitioners submits that he does not wish to press the relief of anticipatory bail, as claimed through instant petition qua petitioner No.2.

3. So far as the petitioner No.1 is concerned, he submits that she is neither the signatory to the alleged agreement to sell nor she has any role to play in the execution of such documents. It is further submitted that the petitioner No.1 was not named in the instant FIR. He further submits that since the entire investigation is based upon documentary evidence, her custodial interrogation is not required.

4. On the other hand, the learned counsel for the complainant has opposed the grant of anticipatory bail to petitioner No.1, on the

ground that an amount of ₹22 lacs, has been transferred in the account of the present petitioner, therefore, she is equally culpable with the other co-accused.

5. Learned counsel for the petitioners submits that this amount has been transferred by the husband of the present petitioner and the account is also managed by her husband and she has no control on this bank account.

6. Considering the allegations against petitioner No.1 as well as her role, this Court deems it fit to enlarge the relief of anticipatory bail to petitioner No.1.

7. In view of the above, the instant petition is dismissed as not pressed *qua* petitioner No.2, whereas, the same is disposed of *qua* petitioner No.1, with a direction to the petitioner No.1 to join the investigation within a period of two weeks and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

8. In case, the petitioner does not join the investigation or does not cooperate in the investigation, the respondent/state shall be at liberty to file an application for cancellation of her anticipatory bail.

January 24, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No