

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-62550-2023(O&M)
Date of decision: 12.02.2024

Asha
...Petitioner
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Komal, Advocate for
Mr. Vikas Malik, Advocate for the petitioner.

Mr. Vikram Singh, AAG., Haryana.

Mr. Pankaj Kundu, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.1854 dated 02.08.2023, under Sections 172, 177, 181, 182, 193, 420, 465, 468, 471 of Indian Penal Code, 1860, registered at Police Station, Shivaji Nagar, District Gurugram, Haryana.

(2) Allegations are that petitioner gave wrong address of her village at the time of giving complaint and deposed falsely before the Court concerned.

(3) This Court while issuing notice of motion on 13.12.2023, granted interim bail to the petitioner and which reads as under:-

“Contends inter alia that lodging of present FIR by the Reader of Court concerned, is not legally sustainable.

Notice of motion.

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

At this stage, Mr. Prateek Rathee, Advocate, appears on behalf of the complainant and also seeks time to have instructions in the matter.

Posted for 12.02.2024.

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

- (4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.
- (5) Learned State Counsel on instructions from SI-Dharambir submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, her custodial interrogation is not required.
- (6) Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected.
- (7) In view of above, interim order dated 13.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) 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.
- (10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

12.02.2024

(MAHABIR SINGH SINDHU)

Harish Kumar

JUDGE

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