

2024:PHHC:026070

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-63628-2023

Date of Decision : February 26, 2024

SUSHMA DEVI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rakesh Kumar Lathwal, Advocate for
Mr. Naveen Jaglan, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e.20.12.2023, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.440 dated 17.11.2023, under Sections 34, 323, 506 of IPC (offence under Section 307 IPC added lateron), registered at Police Station, Matlauda, District Panipat.

The allegation against the petitioner is that she caught hold the injured-complainant, and thereupon the husband of the petitioner has caused spade injury on the head of the victim. The injury which is caused by the husband of the petitioner, attracts the penal provision of Section 307 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. Even as per the allegations, she has not caused any injury.

Learned counsel for the petitioner further submits that only one blow was given to the injured/victim as per the FIR, and that is attributed to the husband of the petitioner and he has been arrested and is behind the bars.

He further submits that the injured/victim has recovered from the injury and and is discharged from the hospital.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

Mr. Nonish Kumar, Advocate, has caused appearance on behalf of complainant, through a validly executed power of attorney in his favour. The same is taken on record. He opposes the grant of prearrest bail to the petitioner. He submits that the allegation against the petitioner is that she caught hold of the injured, while her husband gave spade blow to victim

Adjourned to 26.02.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his 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. ”

2. Today, the learned State counsel on instructions imparted to him by PSI Deepak, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.
3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 20.12.2023 is, hereby, made absolute.

February 26, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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