
(2010) 12 P&H CK 0245
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-32366 of 2010

Smt. Rafikan and Others

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 07-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 506

Citation : (2010) 12 P&H CK 0245

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Judgement

Mehinder Singh Sullar, J.—Petitioners Rafikan wife of Akhtar, Haruni wife of Wahid and Hansira wife of Razaak, have applied for the grant of anticipatory bail, in a case registered against them alongwith their other two co-accused, by virtue of FIR No. 495 dated 4.10.2010, on accusation of having committed the offences punishable under Sections 148, 323, 324 and 506 read with Section 149 IPC by the police of Police Station Nuh, District Mewat, invoking the provisions of Section 438 Cr.PC.

2. Notice of the petition was issued to the State.

3. After hearing the learned Counsel for the parties, going through the record with their valuable assistance and after deep consideration over the entire matter, to my mind, the present petition deserves to be accepted in this context.

4. At the very outset, the Petitioners were directed to join the investigation. The learned State counsel, on instructions from ASI Shish Ram, has submitted that the Petitioners have already joined the investigation and they are no longer required for further interrogation at this stage. Nothing is to be recovered from them.

5. What is not disputed here is that all the injuries, having been caused CRM No. M-32366 of 2010 by the Petitioners to complainant Basan, are simple in nature.

All the offences alleged against the Petitioners are triable by the Court of Magistrate. The Petitioners are ladies and there is no history of their previous involvement in any criminal case. The law of bail towards women is liberal.

6. Therefore, taking into consideration the totality of the facts and circumstances, emanating from the record, as described here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, to me, the present Petitioners are entitled to anticipatory bail in the obtaining circumstances of the present case.

7. Consequently, it is directed that in the event of their arrest, the Petitioners shall be released on anticipatory bail on their furnishing bail and surety bonds in the sum of Rs. 10,000/-each to the satisfaction of Arresting Officer, subject to the conditions that (i) they shall make themselves available for interrogation by the Investigating Agency as and when required; (ii) they 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 from disclosing such facts to the Court or to any police officer and (iii) they will not leave India without prior permission of the trial Court.

8. Needless to mention that if the Petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of their bail, in this relevant connection.