

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.11709 of 2015

Date of Decision:-18.08.2015

Satish Chandra & Anr.

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Rai, Senior Advocate assisted by
Mr. Gautam Dutt, Advocate for the Petitioners.

Mr. R.K. Doon, AAG Haryana.

Mr. Nitin Jain, Advocate for the complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioners Satish Chandra and Prashant in case FIR No.146 dated 17.03.2015 under Sections 306/34 of Indian Penal Code registered with Police Station Sector 5, Gurgaon, District Gurgaon.

This Court while granting interim bail vide order dated 10.04.2015 had noticed certain factual aspects which reads as under:-

“ Learned Counsel for the petitioners contends that petitioner no.2 was in fact married to daughter of the complainant without parental consent which became a cause of grievance to the family resulting in serious allegations

against the petitioners, in particular, petitioner no.2 who had to face brunt of criminal prosecution under Sections 363, 366 and 376 IPC apart from other sections. As far as FIR was concerned it was not pursued as the prosecutrix i.e. daughter of the complainant made the statement before this Court in CRM No.59790-M of 2006 resulting in discontinuation of proceedings in the FIR case.

Eventually a complaint came to be filed on the similar allegations which was also dismissed.

Now the son of the complainant has committed suicide and the petitioners are being implicated on the ground that they had made threats to him upon their acquittal.

It is settled proposition of law that the provisions of Section 438 Cr.PC are intended to thwart the possibility of a false implication and save a person from arrest in such a contingency.

Noticing that there have been serious differences between the petitioners and the family of the complainant on account of the aforestated facts such a possibility cannot be ruled out even though one would be constrained to comment upon the unfortunate situation and an equally unfortunate incident of the son of the complainant having taken his own life.

Noticing all the circumstances, the custodial investigation of the petitioners may not be necessary, particularly when the petitioners are willing to submit

themselves to the investigative process as a measure of compliance of the provisions of Section 438(2) Cr.PC. ”

Learned State counsel on instructions from ASI Dev Charan submits that pursuant to the interim order passed by this court petitioners have joined the investigation and are no longer required for custodial interrogation.

In view of the above, interim protection/bail granted vide order dated 10.04.2015 is made absolute.

Petition stands disposed of.

**(JASWANT SINGH)
JUDGE**

August 18, 2015
Vinay