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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12854 of 2014
Date of Decision: 24.03.2015

MUKESH KUMAR

....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.231 dated 21.03.2014, under Section 498-A, 323 IPC, Police Station City Jind, District Jind.

Marriage of the petitioner was solemnised with the complainant on 17.02.2004. Out of their wedlock a girl child was born who is stated to be 4 years of age now and is with the complainant-wife. Husband-petitioner filed petition for divorce and thereafter FIR in question came to be registered.

Learned counsel states that the lodging of the FIR is the

counter-blast to the petition under Section 13 of Hindu Marriage Act.

Learned counsel for the petitioner relies upon an order dated 02.12.2014 passed by District Judge, Family Court, Hisar, granting divorce in favour of husband by proceeding *ex parte* against wife.

Learned counsel states no application has been moved by the wife till date for setting aside the *ex parte* proceedings before the Family Court.

This Court vide order dated 15.04.2014 granted interim protection to the petitioner while issuing notice of motion.

Mr. Chahar, learned D.A.G., Haryana on instructions from SI Om Parkash states that in pursuance of the aforesaid order, petitioner has joined the investigation, however he has not co-operated with the Police in facilitating recovery of the dowry articles.

Apparently in the FIR, the complainant does not disclose any dowry articles having been retained by the petitioner or his family members. Moreover the offences alleged against the petitioner are only under Section 498-A and 323 IPC and there is no mention of Section 406 IPC.

Looking to the facts and circumstance of this case, this Court feels that benefit of anticipatory bail can be granted to the petitioner.

Accordingly, interim order dated 15.04.2014 is made absolute. However, petitioner is directed to join investigation as and when called upon to do so by the Investigating Agency and will abide by the conditions envisaged under Section 438(2) Cr.P.C.

Petitions stands disposed of.

March 24, 2015

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(RAJ MOHAN SINGH)
JUDGE