

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.1485-2015
Date of Decision : 29.09.2015**

Jasbir Bajaj and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhinav Sood, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, 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?

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioners under Section 438 Cr.P.C. in case FIR No.1234 dated 17.12.2014 registered under Sections 323, 498-A, 506 and 34 IPC at Police Station Chandni Bagh, Panipat, District Panipat.

On 15.01.2015 the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioners, namely, Jasbir Bajaj (fater-in-law) and Jasnit Bajaj(sister-in-law/nanad) of complainant, Yamini, who have been booked for having committed the offences punishable under Sections 323, 498-A and 506 read with Section 34, IPC, in a case arising out of FIR No.1234 dated 17.12.2014, registered at Police Station, Chandni Bagh, Panipat.

Learned Senior counsel contends that perusal of the FIR would reveal that the complainant had accompanied her husband to Australia and due to incompatible behaviour, they could not live together; the incident of beating and harassment of the complainant, as alleged in the FIR, had taken place in Australia; and even if the whole FIR is taken at its face value then it would reveal that no offence was committed at Panipat.

Notice of motion for 17.03.2015.

In the event of their arrest, the petitioners shall be released on ad-interim bail subject to their furnishing personal bonds in the sum of Rs.25,000/-each with one surety in the like amount to the satisfaction of the arresting officer.

The petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down in Section 438(2), Cr.P.C.

At this stage, Mr. Deepak Sabherwal, Advocate, puts in appearance on behalf of the complainant.”

The petitioners No.1 and 2 are present in Court but the complainant is not present.

Learned Deputy Advocate General, on instructions from ASI Ram Niwas has stated that pursuant to the order made in the first round the I.O. called up the complainant but she has not picked up the phone.

Learned counsel for the complainant has also not appeared even on second call.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. The interim order dated 15.01.2015 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

29.09.2015

Pooja sharma-I

(AJAY TEWARI)
JUDGE