

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

CRM-M-21061 of 2014 (O&M)

Date of decision : 13.03.2015

Ashutosh Shukla

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Paramjeet Singh

- 1) Whether Reporters of the 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?

Present: Mr. Puneet Jindal, Sr. Advocate with
Ms. Sakshi, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. B.R. Gupta, Advocate
for the complainant.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.274 dated 05.05.2014 registered at Police Station City, Jagadhri, under Sections 498-A, 406, 420, 504, 506, 120-B IPC.

Heard learned counsel for the parties.

Learned counsel for the complainant made an offer that if the parents of the petitioner take oath by keeping their hand on his head, he will not oppose the petition. The petitioner along with his parents is present in the Court. The parents have taken oath by putting their hands on the head of the petitioner that except the articles which are mentioned in the affidavit dated 20th September, 2014, no other articles are with them and nor were given to them.

Learned counsel for the complainant states that in view of the oath taken in Court by the parents of the petitioner, the complainant, does not oppose the pre-arrest bail application. It is stated that some of the dowry articles have already been recovered and in the affidavit dated 20.09.2014, the petitioner has mentioned that he is ready to hand over the same to the investigating officer and has even offered to hand over the same in Court. But, the investigating officer submitted that since the articles are stated to be golden and diamond, therefore, after verifying their purity from a jeweller, he will prepare a recovery memo of the said articles. So far as the recovery of these articles which are mentioned in the affidavit is concerned, petitioner will join the investigation. Since recovery of major articles has been made, no useful purpose would be served by sending the petitioner behind bars. The dispute is matrimonial, possibility of prevailing of wiser sense cannot be ruled out.

In view of the above, order dated 11.08.2014 passed in CRM No.24216 of 2014 and extended from time to time, is hereby made absolute. However, petitioner shall appear before the Investigating Officer on 18.03.2015 at 11:00 a.m. and will continue to appear as and when required by the investigating agency and also abide by the conditions as specified under Section 438(2) Cr.P.C.

Present petition is disposed of accordingly.

March 13, 2015
m. sharma

(Paramjeet Singh)
Judge