

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34378 of 2015

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Date of decision:28.11.2015

Naresh Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Jangjit Singh Dahiya, Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Virender Kumar, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.695 dated 17.8.2015 registered for the offences under Sections 323, 406, 498-A, 506 and 34 IPC at Police Station Model Town, Panipat, District Panipat.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Virender Kumar, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the petitioner, learned Assistant Advocate General, Haryana appearing for the respondent-State and learned Advocate for the complainant and have gone through the record.

From the record, I find that the petitioner, who is husband of the complainant, joined the investigation and he is not required for custodial interrogation. In the order passed by the Court of learned additional Sessions Judge, Panipat, qua another accused and as argued, it has been mentioned by the Court that as per the Police report the complainant has stated that she does not want to get recovered the dowry articles as the same are in damaged condition and she wants cash amount towards dowry articles. Now the case of the prosecution is that only gold ornaments remain to be recovered, whereas learned counsel for the petitioner states that the almirah was locked by the complainant which has been broken by the Police. Dowry articles were already taken away by the complainant and no other dowry article is lying with the petitioner. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 7.10.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 28, 2015.

(Inderjit Singh)
Judge

hsp