

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36375 of 2015

.....

Date of decision:20.11.2015

Sarvan Kumar

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. M.P.S. Chandel, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.20 dated 29.9.2015 registered for the offences under Sections 497 and 498-A IPC at Police Station Women Police Station, Rohtak, District Rohtak.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

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

Firstly, the petitioner has joined the investigation in compliance

with the order dated 21.10.2015 passed by this Court. The offence under Section 497 IPC regarding adultery is bailable. The FIR has not been registered for the offence under Section 406 IPC, therefore, custodial interrogation of the petitioner is not required. Further more, the complainant has got recorded her statement, as argued by the learned counsel State, that she does not want back the dowry articles.

As the present petitioner has already joined the investigation, 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 21.10.2015 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 20, 2015.

(Inderjit Singh)
Judge

hsp