

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

CRM-M-37674 of 2015

Date of Decision: December 18, 2015

Naresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Deepak Saberwal, Addl. A.G. Haryana.

Mr. V.K. Aggarwal, Advocate
for the complainant.

FATEH DEEP SINGH, J.

This is a petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.309 dated 31.08.2010 under Sections 406, 498-A, 323, 120-B, 307, 34 IPC registered at Police Station Parao, Ambala Cantt.

The allegations against the petitioner-husband Naresh Kumar in this anticipatory bail application are that consequent upon his marriage on 2.12.2009 with complainant Neelam a matrimonial dispute has arisen leading to registration of the present case on 31st August, 2010. While the petitioner was on active duty in the merchant navy he was declared proclaimed offender which order was challenged and vide order dated 17.09.2015 the learned Addl. SJ Ambala has set aside the same.

Learned counsel for the petitioner has contended that at this juncture after more than six years of marriage and the fact that couple is residing separate since the year 2010 and that wife has undergone second marriage and, thus, sought to prevail upon the Court that question of any recovery of article does not arise and that even in the judgment dated 13.06.2012 the learned trial Court acquitted the co-accused of the petitioner holding that all the injuries were simple in nature.

Keeping in view the same and the fact that it would be travesty of justice to send the petitioner behind the bars and joining investigation by the petitioner would suffice the purpose, thus, the present petition seeking anticipatory bail is allowed. In the event of arrest of the petitioner he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

December 18, 2015
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