

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-39528 of 2015

Date of Decision: 4.12.2015.

Pooja Pal and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.C.Chaudhary, Advocate
for petitioner No. 2.

Ms. Mahima, AAG, Haryana.

Mr. R.K.Trikha, Advocate
for the complainant.

SABINA, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No. 481 dated 31.8.2015 under Section 120-B, 494, 420 of the Indian Penal Code, 1860 ('IPC' for short) and Section 495 IPC (added later on), registered at Police Station DLF-II, Gurgaon, District Gurgaon.

While issuing notice of motion, following order was passed by this Court on 23.11.2015:-

“Learned counsel for the petitioners submits that petitioner No.1 had filed a complaint under Section 498A, 323, 504 and 506 IPC, in the Court of learned Additional Chief Judicial Magistrate, Bijnor (Uttar Pradesh) against the complainant of the FIR out of which these proceedings arise, i.e. Prashant Prakash

and his family, on 14.07.2015 and as a matter of fact, the FIR lodged against the petitioners by the said complainant (Prashant Prakash) is a counter blast to that, as it was lodged on 31.08.2015. Other than that, even divorce proceedings have been initiated by the complainant on 01.07.2015 before the Court at Gurgaon, under Sections 11 and 12 read with Section 5 of the Hindu Marriage Act, 1955, seeking divorce of the complainant with petitioner No.1.

He, however, submits that the present petition seeking anticipatory bail has become infructuous qua petitioners No.1 & 3, in view of the fact that they have been arrested on Saturday; however, it still would survive qua petitioner No.2.

Learned counsel further submits that, as a matter of fact, the complainant was well aware of the fact that petitioner No.1 had been abducted by one Shubham in order to try and force her to get married to him. Hence, the question of any concealment by petitioners, to the complainant, does not arise.

In view of the fact that divorce proceedings are also stated to have been initiated by the complainant before 31.08.2015 and a complaint under Section 498A etc. of the IPC is also stated to have been filed by petitioner No.1, against the complainant, well before the FIR against the petitioners was registered on 31.08.2015, let notice of motion be issued to the respondents, qua petitioner No.2, returnable on

04.12.2015.

In the meanwhile, in case petitioner No.2 is sought to be arrested, he would be immediately released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by all the conditions as stipulated in Section 438(2) Cr.P.C.”

Learned State counsel, who is assisted by Sub Inspector Deepak, has submitted that in terms of the above order, petitioner No. 2-Surender Kumar has joined investigation and is not required for further investigation.

Accordingly, interim bail granted by this Court to petitioner No. 2-Surender Kumar vide order dated 23.11.2015 is made absolute.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

December 04, 2015
Gurpreet