

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-38904 of 2015

Date of decision : 25.01.2016

Rohit Khanna

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sarbjit Singh, Advocate for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

Mr. K.B. Raheja, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 78 dated 02.10.2015 registered at Police Station Women Cell, Amritsar District Amritsar under Sections 406/498-A/494 IPC.

On the last date of hearing, the petitioner had stated that the locker was in the joint name of petitioner and complainant and whatever gold articles were lying there, the same can be taken by the complainant.

Learned counsel for the petitioner contends that the locker was operated and whatever gold articles were there the complainant had taken. He further contends that the marriage took place in 2007 and the complainant left the house in May 2009 and the FIR had been got registered in 2015. He urges that the petition under Section 9 had been filed by the husband which was allowed in December 2010. He refers to Annexure P-1.

Learned State counsel submits that petitioner has joined the investigation and his custodial interrogation is not necessary.

Learned counsel appearing for the complainant states that the petitioner has contacted second marriage with Pooja Tewari and Pooja had admitted this fact in her statement given to the police. The counsel has

placed on record the statement dated 21.11.2015. He further states that

recovery is still to be effected.

On perusal of the statement filed by the complainant, I find that there is no admission by the girl that she had contacted a marriage. However, it had been stated that she was living as a tenant in the same house. As regards recovery, custodial interrogation is not necessary. The same can even otherwise be effected.

The petitioner has joined the investigation, the petition is allowed and interim order dated 18.11.2015 is hereby made absolute subject to the condition that the petitioner will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation and will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

January 25, 2016

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**(ANITA CHAUDHRY)
JUDGE**