

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43531 of 2015 (O&M)
Date of Decision: 25.02.2016

Vikas Sharma

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Rajiv Doon, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.993 dated 30.10.2015 under section 365 I.P.C (section 420 I.P.C was added later on vide report dated 12.11.2015), registered at Police Station, Karnal City, District Karnal.

On 22.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner submits that initially the complaint was made by the wife of the complainant to Superintendent of Police, Karnal wherein certain allegations were levelled against the complainant-husband to the effect that her husband is harassing her and she does not want to remain with him. It has also been mentioned that she is having threat to her life. Subsequently, FIR has been registered by the husband but name of the petitioner does not figure in the FIR. The stand of the wife of the complainant is contrary to the statement recorded under Section 164 Cr.P.C. as it has been mentioned that the petitioner took her to manage a job but nowhere it has been mentioned in the statement that the amount was handed over to the petitioner. Learned counsel also submits that the petitioner and complainant are doing the

same job and because of professional jealousy, the present FIR has been registered. Initially Section 365 IPC was there but subsequently Section 420 IPC has also been added. The petitioner is ready to join investigation.

Notice of motion for 25.02.2016.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Sukhpal Singh would apprise the Court that the petitioner has since joined investigation.

In the light of the observations contained in the notice of motion order which have gone uncontroverted and in view of the fact that the petitioner has since joined investigation, the present petition is allowed. The order dated 22.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.02.2016
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