

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

CRM-M -10632 of 2017 (O&M)
Date of decision: 24.08.2017

Shiv Bindal @ Shiv Aggarwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Dinesh Maurya, Advocate for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Harpal Singh.

Mr. Ashish Gupta, Advocate and
Mr. Mukesh Verma, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.741 dated 06.12.2016, registered under Sections 406, 498-A and 506 read with Section 34 of IPC, at Police Station Ratia, District Fatehabad.

On 29.03.2017, this Court had passed the following order:-

“Counsel for the petitioner inter alia contends that the present FIR is the result of marriage between the petitioner and complainant performed on 04.12.2015 and out of this wedlock a male child was born on 01.02.2017. It is further

submitted that as per the allegations put-forth in the FIR, the last incident occurred on 22.07.2016 but the FIR has been lodged in December, 2016. Another submission made by counsel is that main grievance of the complainant appears to be habit of the husband taking alcohol in excess. In addition, it is argued that there is a child out of the wedlock; the petitioner is ready to settle the dispute either way but he is more interested for rehabilitation of the complainant along with minor child in the matrimonial home.

Notice of motion for 31.05.2017.

In the meantime, the petitioner shall join the investigation within a period of 10 days. In case, he joins the investigation within the stipulated period, he shall be released on interim bail by the investigating officer subject to the following conditions:-

- (i) He shall join the investigation as and when required by the Investigating Officer.*
- (ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and*
- (iii) He shall not leave the limits of this country without prior permission of the Court.”*

It is contended that in pursuance of the order dated 29.03.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation. She further states that respondent No.2 has refused to effect the recovery stating that the articles are not in a good condition.

Considering the fact that the petitioner has repeatedly

joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 29.03.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

24.08.2017

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(JITENDRA CHAUHAN)
JUDGE

.Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No