

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

CRM No. M-12010 of 2017.

Date of Decision: 24.10.2017.

Shikhar Dhall

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana
assisted by SI Mukesh.

Ms. Sehar Navjeet Singh, Amicus Curiae.

Complainant in person.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
Cr.P.C seeking anticipatory bail in case FIR No.35 dated 17.02.2017
registered under Sections 376 and 506 IPC at Police Station Women,
Gurugram.

On 07.04.2017 this Court had passed the following
order:-

“Learned counsel for the petitioner contends that FIR (Annexure P-
1) has been registered in the backdrop that petitioner and
complainant herself were having an affair. They both were major

and had decided to get married. However, before the ceremonies of marriage could be carried out, Himmat Dhall (father of petitioner) had committed suicide as he was not happy with the said marriage. Thereafter, Shalini Dhall (mother of petitioner) made a complaint against Swati Ahuja (present complainant), which is pending. Learned counsel further contends that the present FIR is the counter blast of the aforesaid complaint made by the mother of the petitioner against the complainant.

Notice of motion for 06.07.2017.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police 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 them from disclosing such facts to the Court or to any police officer;

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

(iv) such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”

It is contended that in pursuance of the order dated 07.04.2017, the petitioner has joined the investigation. The necessary test to carry out the DNA profile has already been conducted. The petitioner is ready and willing to own the child.

The complainant was heard in person. At this stage, she is not inclined to solemnise marriage with the petitioner.

Learned State counsel, on instructions, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of above, the order dated 07.04.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

24.10.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No