

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

Criminal Misc. No.M- 22678 of 2017(O&M)

Date of Decision: December 21 , 2017.

Rohit Barad

..... PETITIONER (s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jitender Malik, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

None for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.232 dated 29.10.2016 under Sections 498A/506/406 IPC, registered at Police Station Women, Sector 51, District Gurgaon.

It is submitted that marriage between the petitioner and the complainant/respondent No.2 was performed as per their wishes. It was admittedly a love marriage performed at a temple on 30.10.2009. It is further submitted that there is no question of any demand of dowry neither is any such allegation emerging from the FIR in question. Moreover, the petitioner made various efforts for resumption of the matrimonial ties, but the complainant has not

come forward. The complainant is stated to be living separately since 2014. The complainant/respondent No.2 has not even come forward to join proceedings in the present case as well, though she was duly served. It is submitted that the petitioner, who is not involved in any other criminal proceedings, has joined investigation. No recovery is to be effected from him. He undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Heard learned counsel for the parties.

As per allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 30.10.2009. A daughter was born out of this wedlock on 23.12.2011. It is alleged that the petitioner was a drunkard and addicted to gambling. Various allegations have been raised regarding meting out of ill-treatment and harassment to the complainant/respondent No.2. It is mentioned in the FIR that the complainant ultimately started living separately in a rented accommodation as she did not wish to be a burden on her parents as well.

It is noticed that the complainant was duly impleaded as respondent No.2 in this petition. It was directed that notice be issued to her on deposit of a sum of ₹25,000/- before the Registry of this Court to be paid as litigation expenses to the complainant. The said amount was deposited. Respondent No.2 has been duly served.

It is informed by learned counsel for the State, on instructions from ASI Suresh Kumar, that intimation was duly conveyed to respondent No.2 through the concerned police station on 07.10.2017 in respect to the pendency of the present petition. However, respondent No.2 despite service and intimation, has chosen not to appear before this Court.

Learned counsel for the State verifies that the petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed.

Petitioner shall appear before the Investigating Officer on 26.12.2017 at 11.00 a.m. to join investigation at the first instance and thereafter as and when required by the Investigating Agency. Petitioner shall fully cooperate in the investigation of this case. In the event of his arrest, the petitioner shall be released on bail to the satisfaction of the Arresting/ Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is directed that the amount of ₹25,000/- lying deposited with Registry of this Court shall be remitted to respondent No.2 qua adequate proof of identity, in case she makes a necessary application.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

December 21 , 2017.
'om'

(**LISA GILL**)
JUDGE

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