

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

CRM No.M-23626 of 2017 (O&M)

Date of decision: August 29, 2017

Rahul Mittal and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. N.S.Shekhawat, Advocate,
for the petitioners.

Mr. B.S.Virk, DAG, Haryana.

Mr. Kamal Chaudhary, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners-Rahul Mittal, Ved Parkash, Raj Kumar, Khushboo alias Khushi Mittal and Neha Mittal have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.507, dated 14.06.2017, registered at Police Station City Ballabgarh, District Faridabad, under Section 406 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Notice of motion has been issued in this case.

Mr. B.S.Virk, Deputy Advocate General, Haryana, has put in appearance on behalf of the respondent-State and Mr. Kamal Chaudhary, Advocate has put in appearance on behalf of the complainant and both of them have contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that as per prosecution version before *Shagun* ceremony some dispute arose in between the parties and marriage could not take place and only *Roka* ceremony was performed.

Learned counsel for the petitioners states that they have also spent money and have given gold ornaments to the girl, whereas learned counsel for the complainant states that an amount of ₹ 2 Lakhs was paid to the petitioners' side 3/4 days before the *Shagun* ceremony. However, learned counsel for the petitioners denied the same while contending that there is no occasion with the complainant to pay ₹ 2 Lakhs in advance, as if the money was to be paid by the complainant, then the same would have been paid at the time of ceremony, which admittedly not took place.

Now, in pursuance of order dated 07.07.2017, passed by this Court, the petitioners have already joined the investigation and they are not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 07.07.2017, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 29, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No