

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

**Crl. Misc. No. M-40354 of 2016 (O&M)
Date of Decision : April 21, 2017**

Vinay Kumar Yadav..... Petitioner

VERSUS

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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?

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Present: Mr. S.S.Swaich, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana,
for the State/respondent.

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LISA GILL, J. (Oral)

CRM No. 3706 of 2017

Learned counsel for the applicant/petitioner seeks to withdraw this application with liberty to approach the appropriate forum for the prayer addressed in this application.

Dismissed as withdrawn.

CRM-M-40354-2016

Prayer is for grant of anticipatory bail to the petitioner in FIR

No. 32 dated 12.03.2011 under Sections 498-A, 406, 323, 313, 506, 34 IPC

registered at Police Station Sector-55/56, Gurgaon.

It is submitted that the petitioner and his wife after their marriage were residing in Australia. An order of separation between the complainant and the petitioner was passed in Australia on 20.8.2010. Thereafter, the present FIR No. 32 was lodged on 12.03.2011 on the statement of the petitioner's wife. Thereafter, a decree of divorce was passed in Australia on 14.6.2012. It is submitted that the complainant has neither filed any appeal against this order nor raised any objection thereto. Both the petitioner as well as the complainant are residing in Australia. The petitioner is in fact a citizen of Australia. It is further submitted that the petitioner is ready and willing to face investigation/trial in the case which has been registered in an unjustified manner. The petitioner, it is submitted undertakes to ensure his presence before the learned trial Court as and when required. The petitioner's parents are already facing trial. Furthermore, the petitioner has joined investigation pursuant to order dated 10.11.2016 passed by this Court. Therefore, this petition be allowed.

Learned counsel for the complainant and learned counsel for the State, on instructions from ASI Ram Niwas, do not dispute that the complainant is residing in Australia. The decree of divorce passed on 14.6.2012 is also not in dispute. Learned counsel for the complainant fairly states that the said decree has not been challenged by the complainant.

There is no allegation that the petitioner is likely to abscond and not be available to face trial or that he is likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting on the merits of the case, it is considered just and

expedient to allow this petition. Consequently, order dated 10.11.2016 is made absolute.

(LISA GILL)

21.4.2017
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JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No