

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

CRM-M -42702 of 2016 (O&M)
Date of decision: 16.08.2017

Rameshwar Prasar and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Bikram Chaudhary, Advocate for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Davender.

Mr. Roopak Bansal, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.628 dated 27.09.2016, registered under Sections 406, 498-A, 323, 506 read with Section 34 of IPC, at Police Station Saran, District Faridabad.

On 30.11.2016, this Court had passed the following order:-

“Learned counsel for the petitioners contends that the allegations against the present petitioners are that on 08.03.2014, they have given beatings to the complainant. However, neither any complaint was made to the police nor there is any MLR with regard to the injuries suffered by the

complainant. Son of the petitioners solemnized marriage with the complainant on 28.11.2013 and thereafter, she resided in the matrimonial home for two months.

On an oral request made by learned counsel for the petitioners, complainant-Sonika Tyagi is impleaded as respondent No.2 in this petition.

Subject to deposit of Rs.30,000/- as litigation expenses, to be paid to the complainant, notice of motion be issued for 23.03.2017.

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

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- (ii) that the petitioners 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 petitioners 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 30.11.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation. Respondent No.2 informed the Investigating Officer in writing dated 06.03.2017, wherein she refused to effect the recovery of alleged dowry articles.

The petitioner Nos. 1 & 2 are parents in-law and

petitioner No.3 is brother in-law of respondent No.2. The petitioners have repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 30.11.2016, 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.

16.08.2017

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(JITENDRA CHAUHAN)
JUDGE

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