

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

Crl. Misc. M – 43591 of 2015

Date of decision: 13.07.2017

Shankar Lal Sharma

...Petitioner

Vs.

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Jammu, Advocate, for the petitioner.

Ms. Mahima Yashpal, Asstt. A.G. Haryana.

None for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 379, dated 17.09.2015, registered under Sections 498-A, 323, 406 and 506 read with Section 34 IPC at Police Station Pataudi, District Gurgaon.

On 23.12.2015, following order was passed:-

“Learned counsel for the petitioner contends that the petitioner got married with the complainant on 29.04.2004 and the allegations in the FIR are general in nature i.e. demand of Alto Car and Rs.50,000/- in cash. He further submits that the demand of dowry after more than ten years of marriage is highly improbable.

Notice of motion for 08.03.2016

In the meantime, in the event of arrest of the petitioner he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C”

Learned counsel for the complainant refers to a complaint made by father of the complainant in the year 2010, which was compromised

subsequently. Thereafter, the complainant came to the matrimonial home, but could not lead happy married life. The complainant was again thrown out from the matrimonial home in August 2013, thereafter, she has been residing separately. It is asserted that the allegations are general in nature and have been levelled after 11 years of marriage. In pursuance to the orders of this Court, the petitioner has joined investigation. The complainant refused to recover the alleged dowry articles.

The learned State counsel, on instructions, affirms the factum of petitioner's joining the investigation and that the complainant refused to take household articles, however, she states that gold articles were not offered and have not been recovered.

Considering the fact that the petitioner has joined the investigation; the complainant did not collect the household articles and allegations levelled against him are general and vague, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 23.12.2015, is made absolute, subject of furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

July 13, 2017

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