

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

CRM No. M-5715 of 2017 (O&M).

Date of Decision: 04.09.2017.

Gaurav Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Naveen Sharma, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

Mr. Abhimanyu Kalsi, Advocate,
for the complainant.

Parties in person.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
the Cr.P.C seeking anticipatory bail in case FIR No. 524 dated
09.10.2016 registered under Sections 323, 406, 498-A and 506 IPC at
Police Station Shahabad, District Kurukshetra.

On 22.02.2017 this Court had passed the following
order:-

“On oral request of learned counsel for the petitioner, complainant-
Malti Chauhan, Devi Nagar Road, Shahabad, District Kurukshetra,
is impleaded as respondent No.2.

Subject to deposit of Rs.15,000/- as litigation expenses before the
Registry of this Court, notice of motion be issued to the

respondents for 06.04.2017.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C:-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;
- ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any persons 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. a condition that the person 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 was granted under that section.”

Learned counsel for the petitioner/husband undertakes that the petitioner would clear all the arrears towards maintenance in terms of the order dated 25.05.2017. He states that he will pay Rs.25,000/- to the complainant in the shape of demand draft and the remaining amount will be paid within ten days from today.

It is further contended that in pursuance of the order dated 22.02.2017, the petitioner has joined the investigation.

Learned State counsel, on instructions, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of above, the order dated 22.02.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

However, in case the entire amount of Rs.1,21,000/- minus what has been paid today, is not paid within 10 days from today, the present petition will be deemed to have been dismissed without further notice. A sum of Rs.15,000/- deposited by the petitioner towards the costs of litigation be released in favour of the complainant/wife against proper receipt.

04.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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