

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

CRM-M-6454-2017

Date of decision: 12.12.2017

Dr.Abhishek Aggarwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.NS Shekhawat, Advocate
for the petitioner

Ms.Dimple Jain, AAG, Haryana
assisted by ASI Vijay Kumar

Mr.MK Sood, Advocate for respondent No.2.

JITENDRA CHAUHAN, J.

The present petition under Section 438 Cr.P.C. has been filed for grant of bail to the petitioner in case FIR No.14 dated 28.1.2017, registered under Sections 354-A, 377, 406 and 498A IPC at Police Station Women, Faridabad.

On 27.2.2017, this Court had passed the following order:-

“Learned counsel for the petitioner submits that petitioner is a doctor working in the hospital at Muradabad (U.P.) and his wife i.e. respondent No.2 is also MBA and working in a multinational company. One male child was born who is now one year old from this wedlock. He further submits that petitioner is ready for compromise if, the matter is referred for mediation.

Notice of motion for 01.05.2017.

Notice be issued to respondent No.2, on depositing of

Rs.40,000/- towards litigation expenses by the petitioner before the next date of hearing with the Registry of this Court which is to be issued to respondent No.2. In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.

1. Petitioner shall make himself available for interrogation by a police officer as and when required;
2. Petitioner 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 him from disclosing such facts to the Court or to any police officer;
3. Petitioner shall not leave India without the previous permission of the Court;
4. Such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”

Respondent No.2-wife heard in person. She states that though the FIR is factually correct, however, she has compromised with the petitioner and has condoned his acts. She has decided to join the company of the petitioner.

It is contended that in pursuance of order dated 27.2.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions, admits the factum of

of the petitioner joining the investigation. She further submits that he is not required for custodial interrogation.

Heard.

In view of the statement made by respondent No.2- wife and the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 27.2.2017, 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.

12.12.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No