

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

CRM-M-20653-2017

Date of decision:-17.7.2018

Vikas

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.K.Hooda, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.K.K. Saini, Advocate
for respondent No.2.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Vikas, an accused in FIR No.164 dated 16.4.2017, under Sections 323, 498-A, 406, 506 IPC, registered at Police Station Civil Lines, Rohtak.

Briefly stated, the facts of the case as per the prosecution story are that FIR in this case was lodged by complainant Sonam, who moved a written application to the police alleging therein that she was married with Vikas (present petitioner) son of Bhopal Singh, resident of Puth Khurd, Delhi on 25.7.2015 and at that time her parents had spent sufficient money, however, her husband and members of his family were not satisfied and they taunted and harassed the complainant for bringing

less dowry and not being a good cook. According to her, though she has been a vegetarian and before marriage she was told that her husband and his family were also vegetarian but they turned out to be non-vegetarian and they forced her to eat non-vegetarian food. In the said complaint to the police several instances of her torture and harassment at the hands of accused have been narrated contending that when she could not tolerate such behaviour any more, she came back to her parental house on 31.12.2015, where she is putting up till date. Though Panchayats were convened seeking her return to the matrimonial home but in vain. After recording of formal FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Rohtak vide order dated 20.5.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. The petitioner was granted interim bail and he had joined the investigation but as stated by the State counsel, he has not rendered full cooperation with the investigating agency and has not

disclosed the complete facts within his knowledge. He has not got the complete recovery effected.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

17.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No