

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26561-2018
Date of decision:10.07.2018

Surinder Kumar @ Shinda

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

Mr. R.K. Doon, AAG, Haryana
for the respondent.

P.B. BAJANTHRI, J. (ORAL)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 of the Criminal Procedure Code ('Cr.P.C.' - for short) in FIR No.177 dated 27.05.2018 under Sections 323, 427, 452, 506/34 of the Indian Penal Code ('IPC' - for short).

2. Learned counsel for the petitioner has submitted that he had filed a complaint against his own wife & son and another namely Laxmi Devi wife of Lalit Mukesh on 19.08.2017 and it is pending consideration. It was also submitted that there is certain matrimonial dispute between the petitioner and his wife-Mala Rani. In view of the complaint made vide Annexure P-2, husband of Laxmi Devi namely Lalit filed a false case against the petitioner in order to overcome the complaint filed as Surinder Kumar vs. Mala Rani and others against his wife. Prima facie a false complaint has been registered against the petitioner by Lalit alleging that he has entered into his house and misbehaved with the members of

the family. Even nothing is required to be recovered from the accused nor he is required for any custodial interrogation. Therefore, he is entitled for anticipatory bail.

3. While resisting the contention of the petitioner, State counsel seek dismissal of the petitioner. However, admitted that the custodial interrogation is not necessary, but petitioner is required to join investigation.

4. Heard the learned counsel for the parties.

5. Prima facie it is evident that Lalit in order to overcome the complaint filed by the petitioner filed a false complaint against the petitioner. As nothing is required to be recovered from the petitioner nor his presence is required for custodial interrogation, therefore, petitioner is entitled for anticipatory bail. Accordingly petition is allowed. Petitioner is directed to join the investigation and shall appear before the Investigating Officer as and when called. He shall remain bound by the conditions as envisaged in Section 438 Cr.P.C..

6. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

10.07.2018
Gaurav Sorot

(P.B. BAJANTHRI)
JUDGE

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| 1. | Whether reportable? | No |
| 2. | Whether reasoned / speaking? | Yes |