

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

(1)

Crl. Misc. M-26846 of 2017 (O&M)
Date of Decision: July 24, 2018

Parteek alias Parteek Mishra

...Petitioner

Versus

State of Haryana

...Respondent

(2)

Crl. Misc. M-5927 of 2018

Parteek alias Parteek Mishra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Rana, Advocate
for the petitioner(s) in both the petitions.

Ms. Gaganpreet Kaur, AAG Haryana.

Ms. Sarika Gupta, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

By this common order, this court shall dispose of above
captioned two petitions i.e. **CRM-M-26846-2017 & CRM-M-5927-2018**

both filed by petitioner Parteek alias Parteek Mishra for grant of anticipatory bail in FIR No.36 dated 12.06.2017, under Sections 376, 506, 313 of Indian Penal Code and Section 4 of Dowry Prohibition Act, registered at Police Station Women, Yamuna Nagar.

Learned counsel for the petitioner would contend that the petitioner has joined the investigation, while arguing that offence under Sections 376, 506 of Indian Penal Code read with Section 4 of Dowry Prohibition Act and Section 313 of Indian Penal Code (which has been added later on) are not made out.

Learned counsel for the complainant herein would argue that the petitioner herein has not approached this court with clean hands, and therefore, is not entitled to grant of anticipatory bail. It is contended that the petitioner herein when approached this court seeking to challenge the order dated 10.07.2017 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri in **CRM-M-26846-2017**, he was well aware of the fact that Section 313 of Indian Penal Code had been added by the police and rightfully so, he has to inform this court accordingly.

Per contra, learned counsel appearing on behalf of the respondent-State submits that after due investigation, Section 313 of Indian Penal Code came to be added on 10.07.2017, subsequent to the order declining bail to the petitioner in the aforesaid FIR under Sections 376, 506 of Indian Penal Code and Section 4 of Dowry Prohibition Act.

I have heard learned counsel for the parties, apart from perusing the record.

This court has taken note of the fact that in the **CRM-M-**

26846-2017 that had been filed on 24.07.2017 against the order that was passed on 10.07.2017 wherein, only Sections 376, 506 of Indian Penal Code and Section 4 of Dowry Prohibition Act had been invoked. The argument raised that the petitioner herein was not aware of the fact that Section 313 of Indian Penal Code has been added is not believable, in view of the fact that his close relation i.e. his mother and sister had already approached for grant of anticipatory bail in the said section. The petitioner herein has clearly not been fair to the court when the petition bearing **CRM-M-26846-2017** has been filed.

Be that as it may, in view of the facts that the petitioner herein has joined the investigation, that he is not required for the custodial interrogation and that the investigation is already complete in the matter since, the challan has already been presented, at this stage, without commenting on the merits of the case, both the petitions in hand are allowed and orders dated 26.07.2017 and 14.02.2018 granting interim bail to the petitioner are made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

July 24, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No