

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

CRM-M-37195-2017

Date of decision:-30.7.2018

Rohit Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Ms.Bhupinder Kaur, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Ravinder Malik, Advocate
for the 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 – Rohit Kumar, an accused in FIR No.232 dated 30.8.2017, under Sections 323, 406, 498-A IPC, registered with Police Station Narwana City, District Jind.

Briefly stated, the facts of the case as per prosecution version are that FIR in this case was got registered by complainant – Kavita, who in the written complaint submitted by her at Women Police Station, Narwana sought taking of action against her husband – Rohit Kumar and members of his family alleging that they had been harassing and torturing her so as to compel her to bring more dowry articles from her parents and she used to be pressurised by Manish and Harish Kumar – accused to have

physical relations with them; that she was given beatings by the accused on several occasion. On the basis of such complaint, formal FIR was registered.

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, Jind vide order dated 22.9.2017. 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.

Learned counsel for the petitioner has submitted that as the petitioner has filed divorce petition against his wife – the complainant, as a counter-blast she has lodged the FIR against him and his family members, though in a petition under Section 125 Cr.P.C. filed by her, she has not levelled any such allegations; that the petitioner is ready and willing to join the investigation, as such concession of pre-arrest bail be granted to him.

Whereas, learned State counsel has submitted that the petitioner is the main accused being husband of complainant and there are serious allegations of maltreatment and harassment in connection with demand of dowry and criminal breach of trust against him, for which his custodial interrogation is a must. He further contended that though the petitioner has joined the investigation but not got the recovery effected

and is not cooperating in the investigation. He prayed for dismissal of the petition.

A perusal of the record shows that when the petition was filed, the counsel for the petitioner submitted that the petitioner was willing to resolve the entire dispute with the complainant amicably, as such, notice of motion had been issued. The dispute had been referred to Mediation and Conciliation Centre of this Court but the same did not prove to be fruitful. As stated by the State counsel, though the petitioner has joined the investigation but has not got any recovery effected and he has not rendered full cooperation.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to effect the recovery of dowry articles of the complainant. 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.

30.7.2018

Brij

Whether reasoned/speaking

Whether reportable

:

Yes/No

:

Yes/No

(H.S.MADAAN)
JUDGE