

CRM-M-41244-2017

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

CRM-M-41244-2017

Date of Decision: 05.02.2018

Kuldeep Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Deepender Singh, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Kuldeep Kumar has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.703 dated 06.09.2017, registered at Police Station Hisar Civil Lines, District Hisar, under Sections 406 and 506 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the prosecution version, the petitioner was living with complainant-Shakuntla since last 15 years in live-
in relationship and finally, he solemnized marriage with her on 24.06.2017.

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On 30.08.2017, the petitioner left the company of the complainant taking away three gold chains, one gold ring aggregating 6 tolas, ₹3 lakhs in cash, education related papers of her children, two blank cheques signed by the daughter of the complainant and one Hyundai Grand-I-10 car and, thus, committed criminal breach of trust.

On the other hand, case of the petitioner is that articles were not taken away by the petitioner. In fact, Hyundai Grand-I-10 car has been sold by the complainant herself. It is also stated that the petitioner started living with the complainant when he was 23 years of age, whereas the complainant was 27 years of age having two children from her first marriage.

In pursuance of the interim order dated 13.11.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding no merit in the present petition, the same is allowed. The order dated 13.11.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

05.02.2018

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(INDERJIT SINGH)

JUDGE

: Yes

: No