

Sumit Jain

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner in person with
Mr. Rajesh Lamba, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana.

Mr. S.K. Garg Narwana, Sr. Advocate with
Ms. Swati, Advocate
for the complainant.

ANITA CHAUDHRY, J.

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No.270 dated 10.10.2016, registered under Sections 498-A, 323, 406, 506 & 34 of IPC at Police Station City Narwana, District Jind.

The petitioner was granted interim bail and was directed to join the investigation. It is reported that he had joined the investigation, however, the complainant's side states that recovery has not been effected.

Learned counsel for the petitioner contends that the couple were residing at Mumbai and proceedings are going on in the Family Court in Mumbai and the maternal uncle of the complainant got an FIR lodged at Narwana. It was urged that the complainant was working with Axis Bank at Delhi and sought transfer in Mumbai consequent upon her marriage and the

couple moved to a flat and then jointly purchased two flats which was converted into a bigger flat and the petitioner is not living in that flat and it is the complainant who is living in that flat with the child. Counsel for the petitioner further contends that petitioner is bearing the educational expenses as ordered by the Family Court in Mumbai along with 40% of the School fees.

The dispute remains with respect to the articles handed over at the time of marriage. Since the complainant is living in the house in which they had moved in after marriage, it would be a question which would have to be decided by the trial Court on the basis of the evidence adduced by the complainant.

Custodial interrogation is not required.

Looking to all these circumstances, but without commenting on the merits of the case, the petition is allowed and order dated 15.12.2016 granting interim bail to the petitioner is 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.

CRM-38884-2017

The main petition stands disposed of.

Adjourned to 24.04.2018.

Presence of the petitioner would not be required.

January 30, 2018*ps-I***(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No