

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

CRM-M-454-2019 (O&M)
Date of decision:19.8.2019

NITIN YADAV

....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. D.S. Nain, Advocate for
Mr. R.K. Bamal, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.495 dated 9.10.2018 under Sections 323, 325, 326, 406, 506, 498-A, 34 IPC, Police Station Sadar Ballabgarh, Faridabab.
2. The FIR was registered at the instance of petitioner's wife namely Niruti wherein it has been alleged that she was married to petitioner on 13.7.2016 and that a daughter was born out of the wedlock. It is alleged that ever-since marriage her husband and her in-laws had been harassing her and had been giving beatings to her. It is alleged that on 9.10.2018 she was beaten up without any reason and that she also sustained injury on her ear. It is further alleged that complainant's husband and her in-laws, brother-in-law Kunal Yadav, mother-in-law Raj Kumari, father-in-

law Om Parkash and sister-in-law Ritu had given beatings to her and had retained all her jewellery articles.

3. Learned counsel for the petitioner has submitted that in fact there was some matrimonial discord between the parties and the complainant herself also caused injuries to the petitioner as would be evident from the MLR Annexure P-6. It is further been submitted that the complainant is all out to wreak vengeance and went to the extent of levelling allegations of rape against the petitioner's father which upon inquiry by police were found to be false. It has been submitted that the petitioner had made a supplementary statement in the present case making allegations of rape against petitioner's father.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has informed that one of the injury found on the person of the complainant has been opined to be grievous injury attracting an offence punishable under Section 325 IPC and that in these circumstances since the allegations stands substantiated, no case for grant of anticipatory bail is made out. It has however been informed that by learned State counsel upon instructions ASI Shish Pal that petitioner has since joined investigation and the alleged jewellery articles as well as car have been recovered.
5. Having regard to the facts and circumstances of the case and while noticing that it is a case where the complainant had also been caused injuries although minor in nature as is evident from MLR (Annexure P-6) and that the petitioner has already joined investigation and has got articles

of dowry recovered, in my opinion, it is not a case warranting custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 14.1.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

19.8.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**