

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

CRM-M-13204-2019

Date of decision:28.11.2019

SANDEEP KUMAR

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana
assisted by HC Pardeep.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.265 dated 22.10.2018 under Sections 323, 342, 354-B, 376, 377, 406, 498-A, 506, 511 IPC, Police Station Bond Kalan, District Charkhi Dadri.
2. The FIR was registered at the instance of victim wherein it has been alleged that she was married to the petitioner on 28.1.2012 and that her father had given a large number of articles in dowry but despite the same the petitioner and other members of his family were not satisfied with the same and had been harassing her in order to press upon their demands of more dowry. It is further alleged that the petitioner even demanded a vehicle while her mother-in-law and brother -in-law demanded gold

ornaments. It is also alleged that the petitioner even indulged in unnatural sexual intercourse with her while under the influence of liquor. The victim has also alleged that her uncle-in-law Ramesh and brother-in-law Rahul nursed an evil eye on her and had attempted to rape her in January, 2018.

3. Learned counsel for the petitioner has submitted that at one stage victim and her parents had given affidavits Annexures P-4 & P-5 to the effect that FIR had been lodged under some misunderstanding and that they do not wish to pursue the FIR.
4. Opposing the petition, learned State counsel has informed that in fact the statement of the victim was recorded in terms of Sections 164 Cr.P.C. wherein she reiterated the allegations as levelled in the FIR and in these circumstances, affidavits Annexures P-4 & 5 (colly.) stated to have been furnished by Kavita, Sunil Kumar and Seema will not be relevant. The learned State counsel has however informed that the petitioner has joined investigation, although challan is yet to be presented.
5. Having considered rival contentions addressed before this Court and bearing in mind that the matter apparently had arisen out of some matrimonial discord and since the petitioner has already joined investigation, this Court finds that custodial interrogation is not warranted. Accordingly the petition is accepted and the interim directions issued vide dated 20.03.2019 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. At this stage, it has been informed by learned counsel for the petitioner that pursuant to interim directions dated 20.3.2019, he has brought a demand draft for ₹25,000/- favouring victim. Since victim is not present in the Court, therefore, the petitioner shall pay an amount of ₹25,000/- to victim either by way of demand draft or by way of cash or deposit the same in her bank account through RTGS or deposit the amount in the trial Court with notice to victim, which in case of deposit, may be withdrawn by victim.

28.11.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**