

CRM-M-26790-2018 (O&M)
Date of Decision : 28.05.2019

Yogesh Chhabra

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Ashit Malik, Advocate
for the petitioner.Mr. Baljinder Singh Virk, DAG, Haryana
for respondent No.1-State.Mr. Narender Kaajla, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application filed by petitioner-Yogesh Chhabra under Section 438 Cr.P.C in a case bearing FIR No.242 dated 04.05.2018 filed under Sections 323/377/406/498-A/506 of the Indian Penal Code read with Section 34 of the Indian Penal Code registered at Police Station Hisar, Civil Lines, District Hisar.

The brief allegations levelled by the complainant/wife-Daisy against the petitioner/husband-Yogesh Chhabra are that their marriage took

place on 07.11.2016 where the parents of the girl as alleged have spent almost ₹15 lakh on this marriage. It is further claimed by the complainant that the petitioner/husband raised a demand of Fortuner SUV Car and in spite of having been given costly gifts, the petitioner was not happy with the same and often physically and mentally tortured the complainant/wife, leading to the registration of the present FIR.

Learned counsel for the petitioner *inter alia* contends that bare perusal of the FIR, it appears that there is no allegation of specific entrustment of articles of *Istridhan* having been given at the time of marriage. The only allegations hovers around on exchange of gifts. It is contended that the husband has initially, on January, 2018, has filed a divorce petition under Section 13 of the Hindu Marriage Act and the present case was filed on 04.05.2019 as a counter-blast to the same.

On instructions from ASI Gulbir Singh, Police Station Hisar, Civil Lines, District Hisar, the learned State counsel, assisted by Mr. Narender Kaajla, Advocate for the complainant, have opposed the grant of bail on the grounds of recovery of the articles which have been gifted to the petitioner and thus, prayed for custodial interrogation.

Appreciating the submissions of the two sides and the bare perusal of the FIR, neither there is any mention of any articles of *Istridhan* having been given to the girl or handed over to the petitioner nor commission of criminal breach of trust is made out. The fact that it is subsequent to the petition under Section 13 of the Hindu Marriage Act, the present FIR has been registered, is in itself a distressing feature for the

prosecution. In light of the same, it is a fit case for grant of bail to the petitioner. Therefore, the present petition is allowed. Petitioner-Yogesh Chhabra would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On his doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

28.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No