

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-35281-2018

Date of Decision:28.02.2019

Sharad Sudhir Vashisth

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Jagmohan Ghumman, Advocate,
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

Mr. Varun Sharma, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner-Sharad Sudhir Vashisth in FIR No.72 dated 06.07.2018 under Sections 498(A), 406, 506, 34 IPC, registered at Police Station Woman Police Station, Rewari, District Rewari.

While considering the welfare of two children, this Court vide order dated 21.08.2018, had directed the parties to appear before the Mediation and Conciliation Centre of this Court for an amicable settlement.

Accordingly, the parties had appeared before the Mediator, but they could not reach at some amicable settlement.

At the same time, vide order dated 21.08.2018, this Court admitted the petitioner on interim bail, subject to the satisfaction of Arresting/Investigating Officer and to abide by the conditions incorporated under Section 438(2) Cr.P.C.

The marriage between the parties was solemnized on 09.05.2009 and out of this wedlock, there are two children. A son was born on 29.03.2010, whereas the daughter was born on 25.04.2012. Both the children are staying with the father in Mumbai. The complainant who is present in the Court though has shown her inclination to go with her husband, but at this stage, the husband is not inclined to take her back with him.

Learned State Counsel on instructions from ASI Manveer states that the petitioner has joined the investigation on 29.11.2018 and his custodial interrogation is no more required. The complainant has not been able to produce the bills of dowry articles.

Having considered the rival contentions and the fact that the marriage between the parties has taken place in the year 2009, a divorce petition has been filed by the husband on 21.12.2017, which is pending before the Family Court, culpability of the petitioner in the present FIR needs to be adjudicated by the trial Court.

Since the petitioner has joined the investigation and his custodial interrogation is no more required, present petition is allowed and the interim bail granted to the petitioner vide order dated 21.08.2018 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

February 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No