

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38350-2018 (O&M)
Date of Decision:-10.9.2019

Rahul and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Onkar Singh Batalvi, Advocate for the petitioners.
Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.
Mr. Balraj Gujjar, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.217 dated 6.8.2018 at Police Station Bawani Khera, District Bhiwani under Sections 498-A, 406, 323 and 506 of Indian Penal Code.
2. The FIR was registered at the instance of Sapna, wherein it has been alleged that she was married to Rahul (petitioner No.1) on 17.2.2016 and that a large number of dowry articles and gifts were given at the time of marriage including gold ornaments. It is alleged that the complainant's husband and other members of his family were, however, not happy with the dowry and started harassing her in order to press upon their demand of more dowry. It is also alleged that the accused also used to give beatings to her and ultimately

she was thrown out of her matrimonial home while retaining the articles of 'stridhan'.

3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case mainly on account of some matrimonial incompatibility between petitioner No.1 and his wife Sapna. It has further been submitted that the entire allegations pertaining to the alleged demand of dowry have been cooked up to rope in the entire family of the complainant's husband.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that in the present case, the gold ornaments are yet to be recovered and since the petitioners have specifically been named in the FIR, no case for grant of bail is made out. The learned State counsel has, however, informed that the investigation has concluded and a challan has been prepared, wherein petitioners No.2 to 6 have been found to be innocent, while the allegations against petitioner No.1 have *prima facie* been found to be truthful.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the fact that the matter basically arises out of some matrimonial discord, which has been investigated by the police and a report under Section 173 Cr.P.C. has been prepared, wherein petitioners No.2 to 6 have been found to be innocent, this Court does not find the present case to be a case to justify custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 4.9.2018 are hereby made absolute subject to the condition that the petitioners shall join investigation 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.

10.9.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No