

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

CRM-M No.20302 of 2019
Date of decision: 27th May, 2019

Robin & another

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vishal Nehra, Advocate for the petitioners.
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for respondent No.1/State.
Mr. Tushar Gautam, Advocate for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioners Robin and Aman in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.288 dated 02.11.2018 under Sections 406, 498-A, 506 IPC pertaining to Police Station Paro Ambala Cantt., District Ambala, have been levelled by complainant Deepika wife of Robin. In her allegations the wife alleges that her marriage was solemnized on 17.12.2017 and after some time of the marriage the accused including the petitioner started having quarrel with her and on occasions had beaten her as well as strangulated her and demanded cash worth Rs.10.00 lacs and a Honda City car. The wife further alleged that the husband was in an

amorous relation with another lady, leading to registration of the present case.

Learned counsel for the petitioner Mr. Vishal Nehra, Advocate inter alia contends that a bare perusal of the FIR reveals that prima facie there is no allegation of Section 406 IPC and thus, no case for any custodial interrogation is made out.

Learned State counsel Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana on instructions from HC Rakesh Kumar assisted by learned counsel for the complainant Mr. Tushar Gautam, Advocate has sought to stoutly oppose the grant of bail on the grounds of being a pure matrimonial dispute and that there is specific allegation by the complainant that the accused have retained her dowry articles and jewellery, therefore the petitioners are not entitled to any relief.

Appreciating the submissions of the two sides, a close look at the allegations contained in the FIR (Annexure P1) do not spell out any specific entrustment of the articles of Istridhan much less any criminal breach of trust by any of the petitioners qua them. In view thereof this Court is of the opinion that mere joining the investigations by the petitioners would suffice the purpose. Accordingly, the petitioners are directed to join the investigations within a period of ten days from today. On their doing so, they shall be released on bail to the satisfaction of the Investigating Officer till submission of report under Section 173 Cr.P.C. (challan). They shall however continue to join investigation and shall

furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 27, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No