

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-49934 of 2018

Date of Decision: January 30, 2019.

Yogesh Kumar

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vipin Pal Yadav, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 498 dated 09.09.2018 under Sections 323, 406 and 498-A IPC, Police Station Shahbad, District Kurukshetra.

The present case was got registered on the complaint of complainant/wife Preeti alleging that her marriage was solemnized with the accused/petitioner about 2 ½ years prior to the registration of the present case on 09.09.2018. It is alleged that at the time of marriage in lieu of the same her parents had given sufficient dowry articles, however, the accused were not happy with it and had been

demanding more dowry. It is further alleged by the complainant that she was physically abused and tortured and made to sign on blank papers and thrown out of her matrimonial home.

Mr. Vipin Pal Yadav, learned counsel for the petitioner *interalia* contends that the petitioner had handed over the entire articles including gold which comprises her “Istridhan” and that nothing more is to be recovered and custodial interrogation is not necessitated.

Mr. Baljinder Virk, DAG, Haryana assisted by ASI Surinder Police Station Shahbad submits that the petitioner has handed over the entire gold articles, which have been received by the complainant in the Police Station but she has refused to receive the other articles of “Istridhan” comprising of house hold articles etc. list of which has already been placed on the investigating file and do not oppose the grant of bail.

Appreciating the submissions of the two sides and in the light of the categorical stand of the two sides that the articles of “Istridhan” have been handed over by the petitioner to the complainant and, therefore, it would be travesty of justice if the petitioner is sent behind the bars.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and

when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed off.

January 30, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No