

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

202

**CRM-M-14939-2020
Date of decision: 27.10.2020**

Gaurav Sharma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashok Tyagi, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for respondent No.1-State.

None has appeared for respondent No.2/complainant
despite service.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.228 dated 23.05.2020 registered under Sections 313 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Pataudi, District Gurugram.

While issuing notice of motion on 12.06.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State counsel in terms of status report filed by way of affidavit of Veer Singh, HPS, Assistant Commissioner of Police, Pataudi, Gurugram.

Vide order dated 10.08.2020 passed by this Court, the complainant was impleaded as respondent No.2 who was served but none has appeared on behalf of respondent No.2.

I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the complaint of his wife due to mutual discord between them. The petitioner was residing separately from the complainant for quite long and the averments made in the FIR were baseless. Subsequent to registration of the FIR, the petitioner has compromised with the complainant. In compliance with order dated 12.06.2020, the petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from the investigating officer, acknowledged that in compliance with order dated 12.06.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the

grant of anticipatory bail.

Therefore, the petition is allowed and order dated 12.06.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

27.10.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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