

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15215-2020(O&M)

Date of Decision: 14.8.2020

Vishu Dutta

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vimal Kumar Gupta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. B.K. Saini, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C seeking benefit of anticipatory bail to the petitioner in case FIR No.38 dated 5.4.2020 under sections 323, 377, 406, 498-A, 506 I.P.C, registered at Police Station, Raipur Rani, District Panchkula.

While issuing notice of motion, the following order was passed by this Court on 16.6.2020:-

“Learned counsel for the petitioner contends that allegations in the FIR arise out of a matrimonial discord between the petitioner and the complainant. He further submits that petitioner is serving as Naik in Indian Army and is currently posted at Ajmer.

Learned counsel for the petitioner submits that the petitioner apprehends that impending arrest looming on his head shall have adverse repercussions on his service also.

Learned counsel submits that there is a strong possibility of settlement between the parties since the dispute essentially arises out of their marriage.

Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Haryana.

Adjourned to 16.07.2020.

In the meantime, petitioner is admitted to interim bail till the next date of hearing, on his furnishing personal bonds to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Learned State counsel may convey to the Investigating/Arresting Officer to make arrangements to join the complainant on video conferencing on the next date of hearing and likewise the petitioner shall also join the proceedings through video conferencing, to explore the possibility of settlement between them, in the presence of their respective counsels.”

Learned State counsel upon instructions from SI Sooraj Mal has informed the Court that the petitioner has since joined investigation.

That apart, it has gone uncontroverted that the offence under Section 377 I.P.C has since been deleted. Furthermore, there is no medical evidence/medical report to corroborate the version of the complainant with regard to physical abuse and injury.

In view of the above, instant petition is allowed. Order dated 16.6.2020, passed by this Court, is made absolute.

Disposed of.

**(TEJINDER SINGH DHINDSA)
JUDGE**

14.8.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No