

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M- 23582 of 2020**

**Date of Decision: 11.09. 2020**

Shiv Shankar Jha and Others

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Gurmohan Singh Bedi, Advocate  
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate  
General, Haryana for the respondent.

Mr. Arnav Sood, Advocate  
for the complainant.

**Anil Kshetarpal, J.**

On 25.08.2020, the following order was passed by this Court:

*“The petitioners pray for grant of pre-arrest bail in a criminal case arising from FIR No.293, dated 26.07.2020, registered under Section 323/313/377/406494/34 IPC, at Police Station Sector-5, Gurugram. Learned counsel for the State has pointed out that the offence under Section 376 and Section 354(d) has been added by the police subsequently. This order would also include offences under Sections 376 and Section 354(d) IPC.*

*In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Gurugram, in paragraph 2 of the order, which is extracted as under:-*

*“2. The prosecution allegations are that the complainant Bhawna Jha was married to Amit Jha-petitioner on 20.04.2013 and out of the said wed lock one boy namely Ashmit was born on*

*9.11.2013. It is further submitted that in the year 2018 after coming to Gurugram, the behaviour of her husband was changed and after sending his child to hostel, he showed her prone video and started developing unnatural relation with her and also forced her to make physical relation with his friends. When the complainant refused ,she was beaten up by Amit Jha and he also threatened her to kill. It is further submitted that on 17.02.2020, Amit Jha went to his house by saying her that he is going to Chattisgarh due to office work and since then he has not returned. The complainant has now come to know that he has been residing in Sahibabad, Uttar Pradesh with his first wife and children. It is further submitted that petitioner Amit Jha in collusion with his other petitioners has cheated the complainant.”*

*Hearing of the case was held through video conferencing on account of restricted functioning of the Court.*

*Learned counsel for the petitioners contend that there are hardly any allegations against the petitioners except to the fact that the first informant was accepted as the wife of Amit Jha by them. He further submits that Amit Jha is in custody.*

*Notice of motion for 11.09.2020.*

*On the request of this court, Mr. Chetan Sharma, AAG, Haryana, accepts notice on behalf of the State.*

*In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and*

*shall abide by the conditions as provided under Section 438(2) Cr.P.C.”*

Mr. Arnav Sood, Advocate, has put in appearance on behalf of the first informant/victim as a legal aid counsel and opposes the prayer made in the petition.

Mr. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from Lady Sub Inspector Kiran, has submitted that the petitioners have joined investigation, co-operated and not required for further custodial interrogation.

In view of the aforesaid facts, the present petition is allowed and interim pre-arrest bail granted to the petitioners by this Court on 25.08.2020 is made absolute.

**(Anil Kshetarpal)**  
**Judge**

**September 11, 2020**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No