

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23765 of 2020

Date of Decision : 03.11.2020

Shakti Bajaj

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ruchi Gupta, Advocate for
Mr. Ganesh Chand Sharma, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.62 dated 08.03.2020, under Sections 498-A, 323, 406, 377, 313, 506 of IPC registered at Woman Police Station, NIT, Faridabad.

Learned counsel appearing for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 21.08.2020. Order dated 21.08.2020 is as under:-

“Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 62 dated 08.03.2020, under Sections 498-A, 323, 406, 377, 313, 506 and 34 IPC, registered at Woman Police Station, NIT, Faridabad.

Learned counsel for the petitioner states that the present allegation with regard to the demand of

dowry has been alleged against petitioner keeping in view the deteriorated relationship between the petitioner and his wife i.e. the complainant. Learned counsel for the petitioner argues that on one hand the complainant has stated that she is poor and on the other hand, the allegations for the demand of dowry have been alleged though, the marriage of the parties was solemnized in a simple way. Learned counsel for the petitioner submits that the allegations with regard to forcible termination of pregnancy of the complainant by the petitioner are also false and in support of the same, learned counsel for the petitioner relies upon several whatsapp messages between the parties, which have been attached as Annexure P-4 with the petition.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel states that the petitioner was not cooperative when the matter was pending before the Woman Police Station and as the petitioner is not cooperating, his custodial interrogation is needed so as to recover the dowry articles. Learned State counsel further submits that with regard to the allegation of forcibly terminating the pregnancy, the matter has been referred to the Board of Doctors and the report is still awaited.

Learned counsel for the petitioner submits that petitioner is ready to join the investigation and co-operate and, therefore, petitioner be granted the concession of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record carefully.

The custodial interrogation is being demanded on the ground that the petitioner has not cooperated while the matter was pending before the Woman Police Station when the complaint was filed by the complainant.

Keeping in view the facts & circumstances noted before as well as that the petitioner is ready to join the investigation and co-operate with the police, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

(i) That he shall make themselves available for interrogation by the police officer as and when

required.

(ii) That he shall not, directly or indirectly, make any disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 03.11.2020.

In case, it is found by the authorities that the petitioner is not cooperating, an affidavit to the said effect be filed by the next date of hearing so that the anticipatory bail granted to the petitioner, could be reconsidered.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Neelam, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 21.08.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 03, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No