

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

203

**CRM-M-28039-2020(O&M)
Date of Order:06.10.2020**

RAKESH

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S.Bedi, Sr. Advocate, with
Mr. Sunil Sihag, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

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

On 16.09.2020, the following order was passed:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of anticipatory bail in a criminal case arising from FIR No.506, dated 28.07.2020, registered under Section 323/186/353/506 IPC, at Police Station Shivaji Colony, Rohtak.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Rohtak, in paragraph 2 of its order dated 19.08.2020, which is extracted as under:- “2. This case was registered on a complaint made by Jyoti on the allegations that she is a Teacher with Government Girls High School, Sunari Kalan. She was married to the accused on May 18, 2003 and has two children from this wedlock. The accused is an ASI with Haryana Police and is serving as a Personal Security with Addl. Chief Secretary, Gurugram. He is a habitual drunkard and often abuses and beats her under the influence of liquor. The complainant asserted that she had complained to her parents in law, but instead of helping her, they too had

assaulted her. She had initially returned to her parental home shortly after the marriage due to his ill-treatment, but the matter was resolved in a panchayat. She has been trying to carry on with her marital life, but to no avail as such type of incidents are frequently repeated. In 2013, her husband had beaten her and shifted her separately to the first 2 floor of the house. He beats her daily under the influence of liquor. On May 18, 2019, as well he had done the same. She had complained to her brother Sanjay who came there along with her cousin-Pardeep and two other persons and took her away as there was a threat to her life from her husband. Since then she is residing in her parental home. On July 28, 2020 her husband came to the School Staff Room and started abusing and assaulting her. Due to one of the blows, her head started bleeding, whereupon he escaped from the spot threatening to kill her. The complainant then summoned her brother-Sanjay telephonically who came to the school and fetched her home. All her belongings are still lying in her matrimonial home.”

Learned counsel for the petitioner contends that the petitioner has been falsely implicated on account of marital discard between the parties. He submits that the first informant is the petitioner's wife. He further contends that the petitioner is married to the first informant for the last 17 years, however, it is first complaint against the petitioner. He further contends that the alleged injuries are minor in nature.

On the other hand, Mr. Naveen Kumar, Advocate, has put in appearance on behalf of the first informant and submitted that the petitioner is sending abusive SMS to the first informant. He further contends that the petitioner is a police official.

Shri Chetan Sharma, Assistant Advocate General, Haryana, has stated that the petitioner is working as Head Constable with Haryana Police, presently posted at Gurugram.

This court has considered the submissions.

The petitioner and his wife (first informant) are blessed with 2 young children. The dispute appears to be arising from a marital discard.

Keeping in view the aforesaid facts, let the petitioner joins investigation. Notice of motion.

On the request of this court, Mr. Chetan Sharma, AAG, Haryana accepts notice on behalf of the State and Mr. Naveen Kumar, Advocate, accepts notice on behalf of the first informant.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the

petitioner 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.

Adjourned to 06.10.2020.”

Learned counsel appearing for the State, on instructions from ASI Udham Singh, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

Keeping in view the aforesaid facts, the interim order dated 16.09.2020, passed by this Court, is made absolute.

Accordingly, the present petition is allowed.

October 06, 2020
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(ANIL KSHETARPAL)
JUDGE

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