

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-26958 of 2019

Date of Decision: 20.02.2020

Pratik Rana

...Petitioner (s)

Versus

State of U.T. Chandigarh

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Aditya Grover, Advocate for the petitioners.

Mr. Sukant Gupta, APP, UT, Chandigarh.

Mr. M.L. Saini, Advocate for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.50 dated 26.02.2019 under Sections 498-A/406 IPC registered at Police Station Sector 17, Chandigarh.

Vide order dated 25.11.2019, while granting interim bail to the petitioner, following order was passed:-

“Counsel for the petitioners, on instructions from the petitioner-husband, who is present in Court, submits that he is ready to take the complainant-wife to her matrimonial home or arrange a separate accommodation for her, provided the father of the complainant does not interfere in their married life. He further states that the petitioner-husband is ready to pay of Rs.25,000/- per month to his wife as and when he will be employed in merchant Navy or sailing, so that the complainant can maintain their child properly in his absence, though as on date, he is not working.

However, this offer is not acceptable to the complainant-wife, who is also present in Court.

Since there is no such order asking the petitioners to join investigation, the case is adjourned to 10.12.2019.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.

A photocopy of this order be placed on the file of each connected case.”

Learned counsel for the petitioner states that pursuant to order dated 25.11.2019 of this Court, the petitioner has joined investigation.

However, counsel for the complainant as well as learned APP, UT, Chandigarh have submitted that there are certain recoveries which are yet to be effected in the case.

I have heard learned counsel for the parties.

Admittedly, pursuant to order dated 25.11.2019 of this Court, the petitioner has joined the investigation. However, as far as the contention raised on behalf of counsel for the complainant as well as learned APP, UT, Chandigarh to the effect that certain recoveries are still to be effected in the case, this Court finds that merely because some recovery is yet to be effected, is no ground to decline anticipatory bail to the petitioner. Reference may be made to judgment of Hon'ble the Apex Court in the case of **Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836.** However, in order to protect the interest of the parties, this Court is of the view that at this stage, the present

petition may be allowed subject to the condition that the petitioner shall deposit an amount of Rs.3,00,000/- with the trial Court/Illaqa Magistrate within one month from today.

Accordingly, the order dated 25.11.2019 passed by this Court is made absolute, subject to deposit of Rs.3,00,000/- with the trial Court/Illaqa Magistrate within one month from today. This amount shall be subject to the outcome of the litigation pending between the parties. To be more specific, in case the petitioner is acquitted in the trial, he shall be entitled to claim the aforesaid amount of money, however, in the event of conviction of the petitioner, the entire money will go to the complainant.

Disposed of.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

February 20, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No