

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 33968 of 2020

Date of Decision: 03.11.2020

Shiv Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Sanghi, Advocate
for the petitioner(s).

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

Anil Kshetarpal, J.

On 23.10.2020, the following order has been passed by this

Court:-

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

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.439 dated 06.09.2020, registered under Section 323/354/494/498-A/506 IPC, at Police Station Gharaunda, District Karnal, Haryana.

The first informant is the sister-in-law of the petitioner (younger brother's wife). She has levelled allegations of molestation, demand of dowry and beating, against her in-laws. No date, time or period of the occurrence has been specified.

first informant previously also lodged FIR No.58, dated 24.06.2018, under Section 328/376/506 IPC, at Police Station Women Karnal, against Sachin son of Naresh. The first informant was having physical relationship with Sachin and since, aforesaid Sachin had forwarded their indecent photographs to the petitioner; therefore, the first informant has lodged the false FIR. He further contends that the first informant has not supported the case of the prosecution in FIR No. 58. Whereas the petitioner had deposed in support of the prosecution which antagonized the first informant.

Notice of motion for 03.11.2020.

On the request of this Court, Mr. Chetan Sharma, Assistant Advocate General, Haryana, accepts notice on behalf of the State and Mr. Shalender Rana, 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.”

Mr. Chetan Sharma, Assistant Advocate General, Haryana, on the instructions from Lady Assistant Sub Inspector Suman, has submitted that the petitioner has joined the investigation, co-operated and is 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 petitioner by this Court on 23.10.2020, is made absolute.

(Anil Kshetarpal)
Judge

November 03, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No