

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

CRM-M 34785 of 2020

Date of Decision: 30.10.2020

Aashish Kumar @ Joychristopher

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Bhawesh Chaudhary, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for anticipatory bail in FIR No.139 dated 16.8.2020, under Sections 498A, 323, 406, 506, 509, 354D and 34 of the Indian Penal Code, registered at Police Station Women NIT, District Faridabad.

The dispute is between husband and wife. The marriage was solemnised on 3.5.2019. Thereafter, there was rift in the relationship. In the FIR, there are allegations of demand of dowry and maltreatment by the husband.

Learned counsel for the petitioner has pressed counter allegations made in the pleadings that the petitioner is being threatened at the instance of the wife. He further submits that complaints have been lodged at Goa and Jalandhar.

Learned counsel for the State submits that the petitioner has

not joined the investigation till date, hence there is no progress in the case

and police has yet to find out the true picture. He further submits that dowry articles are to be recovered.

As there is a dispute between husband and wife and there are allegations and counter allegations. No comment is required at this stage upon allegations levelled in the pleadings. There is no medical evidence put forth to support allegations of beatings. Moreover, learned counsel for the State has no instructions that any list of articles to be recovered was given by the complainant.

There is *prima facie* arguable case of the petitioner. Joining of investigation by petitioner would suffice the matter. Putting him behind the bar at this stage apart from depriving his personal liberty would also result in dead locking any chance of mediation or reconciliation, if any.

The petition is allowed subject to petitioner's joining the investigation within two weeks and making himself available as and when called by the investigating authorities. He shall be bound by the conditions under Section 438(2) Cr.P.C.

[AVNEESH JHINGAN]
JUDGE

30th October, 2020

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |