

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

CRM-M-43327-2020
Date of decision: 22.12.2020

Rajendra Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Lalit Pradhan, Advocate
for the petitioner.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 285 dated 31.08.2020, registered under Sections 498-A, 354, 506, 406 and 34 of the IPC at Police Station Dharuhera, District Rewari.

Learned counsel for the petitioner submits that petitioner is aged about 52 years and is serving as a Govt. teacher. It is further submitted that the FIR is registered at the instance of complainant Priyanka, who was married to petitioner's son namely Sunil on 19.02.2017.

Learned counsel further submits that since the marriage of the petitioner's son and complainant could not pull on, despite the best efforts made by the petitioner, the complainant left her matrimonial home and started living with her parents.

Learned counsel further submits that on 31.01.2020, the complainant filed a petition under Section 125 Cr.P.C. for maintenance against the son of the petitioner and in the said petition, there are no such

allegations against the petitioner, which are levelled now in the FIR.

Learned counsel further submits that even the son of the petitioner has filed a petition under Section 9 of the Hindu Marriage Act seeking restoration of the conjugal rights.

Learned counsel for the petitioner further submits that though in the FIR, there are allegations against the petitioner of sending some obscene messages and trying to make illicit relationship with complainant, however, during the course of investigation, the police has dropped the offence punishable under Section 376 IPC.

Learned counsel further submits that the wife of the petitioner, namely Mithlesh, has already been granted concession of anticipatory bail, vide order dated 04.12.2020 passed by the Additional Sessions Judge, Rewari.

It is further submitted that son of the petitioner was arrested and now he has been granted concession of regular bail, vide order dated 18.11.2020 (Annexure P-4).

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the bail on the ground that there was a demand of dowry against all the accused persons and allegations against the petitioner are that he has sent some obscene messages to complainant, however, he could not dispute the fact that during investigation, the police has deleted the offence under Section 376 IPC.

After hearing learned counsel for the parties, without making

any comment on the merits of the case, considering the totality of the facts and circumstances of the case and also in view of the fact that in the petition, filed under Section 125 Cr.P.C., the complainant has not levelled any such allegation against the petitioner, who is her father-in-law, the present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

22.12.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No