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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55695 of 2019

Date of Decision: 24.02.2020

DEEPAK TOHAN

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.767 dated 20.11.2019 registered under Sections 406, 420, 506, 34 IPC at Police Station City Sirsa, District Sirsa.

On 01.01.2020, following order was passed by this Court:-

"Learned counsel for the petitioner contends that the FIR is the outcome of the matrimonial discord. Complainant wife has already filed petition under Section 13 of the Hindu Marriage Act before Principal Judge Family Court, Sirsa. Only general allegations have been made in the FIR which are wanting on material particulars viz date, place, time and manner of alleged of cruelty.

Notice of motion for 24.02.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 16.01.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds

subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submitted that in the petition filed under Section 13 of the Hindu Marriage Act (for short 'the Act') before the Principal Judge Family Court, Sirsa, both the parties have entered into a compromise and a joint petition is to be filed under Section 13-B of the Act before the competent Court of dissolution of marriage on mutual consent.

On the other hand, learned State counsel submitted that Investigating Officer of the case has not turned up and he is not in a position to make any statement in respect of joining of investigation by the petitioner.

Keeping in view the nature of controversy pending between the parties, I deem it appropriate to confirm the interim order dated 01.01.2020 passed by this Court. However, liberty is granted to learned State counsel to move an appropriate application for cancellation of anticipatory bail in case, statement of fact made by learned counsel for the petitioner is found to be otherwise.

Petition stands disposed of.

February 24, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

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