

CRM-M-23255-2019 (O&M)
Date of decision: 02.12.2021

SUMIT DIXIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. I.S.Saggu, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner namely Sumit Dixit in case FIR No. 94 dated 03.03.2019, registered under Sections 323/377/406/498-A/506 IPC, at Police Station SGM Nagar, District Faridabad.

Precisely, the petitioner is the husband of the complainant and the allegations are to the effect that soon after the marriage of the petitioner with the complainant which was solemnized on 19.11.2017, the petitioner and his parents started maltreating, torturing and harassing the complainant on account of dowry and the petitioner had also committed unnatural sex upon her.

On 05.08.2021, the following order was passed:-

“Learned counsel for the petitioner herein prays for grant of anticipatory bail to the petitioner.

It is submitted that the matter was being referred to Mediation and Conciliation Centre of this Court, however, the said mediation have not been successful. It is further submitted that the petitioner is ready to appear before the Investigating Officer and hand over any of the dowry articles, either in his possession or in the possession of the family.

Adjourned to 01.10.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”.

Learned counsel for the petitioner states that in pursuance of the interim directions, the petitioner has joined the investigation.

On instructions from SI Subhash, learned State counsel has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant has opposed the application on the score that the recovery is yet to be effected.

The petitioner has joined the investigation and his custodial interrogation is no more required. It will be debatable matter as to whether any articles of Istri Dhan were entrusted to the petitioner and his family members and the same have been misappropriated by them. Moreover, concededly the parents of the petitioner have been granted pre-arrest bail by the Court of Sessions.

In view of the aforesaid submissions, the order dated 05.08.2021, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

02.12.2021
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(VIVEK PURI)
JUDGE

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