

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-34067-2020(O&M)
Date of decision : 13.01.2021**

Rakesh

..... Petitioner

versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Gourav Verma, Advocate for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No. 0109 dated 19.03.2020, registered under Sections 498-A, 406, 506, 34 IPC (Section 328 IPC which was also there earlier but has now been deleted), at Police Station, Kalanaur, District Rohtak.

While issuing notice of motion the following order was passed by this Court on 06.11.2020:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of anticipatory bail in FIR No.0109 dated 19.03.2020, under Sections 498-A, 406, 506 and 34 IPC registered at Police Station Kalanaur, District Rohtak.

Counsel submits that false allegations have been raised on

account of the matrimonial dispute as the complainant is none other than the wife of the petitioner. After registration of the FIR and pursuant to an enquiry having been conducted offence under Section 328 IPC stands deleted.

It may be noticed that in the FIR there was specific allegations made by the complainant that on account of severe beatings administered to her she had been admitted at Civil Hospital, Ropar to get treatment on 10.09.2019. On a previous date of hearing, learned State counsel had been requested to complete instructions in such regard. During the course of hearing today, Mr. Saurabh Mohunta, DAG, Haryana, has forwarded by email the MLR of the complainant pertaining to her medical examination conducted on 10.09.2019 at Civil Hospital, Ropar and a perusal thereof apparently does not reflect any injury suffered.

Notice of motion returnable for 13.01.2021.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C”

Learned State Counsel, upon instructions from Lady ASI Sushila, informs the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 06.11.2020 passed by this Court is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

13.01.2021
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No