

CRM-M-2764-2022(O&M)

Date of decision: 22.11.2022

SARABJEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bijender Singh Dhankar, Advocate and
Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

Mr. Deepender Singh, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

On 24.01.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 42 dated 20.01.2021, under Sections 304-B/120-B/302/406 IPC, registered at Police Station City Palwal, District Palwal.

Briefly, the FIR has been registered on the basis of the application of Kamlesh, the mother of deceased alleging that the marriage of her daughter, namely, Nisha was solemnized on 25.2.2020 with Rohit. There were allegations with regard to demand of car and cash. The death has occurred on 19.01.2021 due to asphyxia.

Learned counsel for the petitioner contends that at the earlier instance, the petitioner alongwith his daughter Geeta were found innocent and the challan was presented only against Rohit, the husband and Sumitra, the mother-in-law of the deceased.

Subsequently, further investigation was initiated in the instant case. The petitioner has joined the investigation and the matter is still pending for consideration. Furthermore, Sumitra, the wife of the petitioner has filed a bail application, wherein status report has been submitted by the prosecution indicating that the arrest of the petitioner is being contemplated.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana accepts notice on behalf of respondent-State and seeks time to get instructions and to file reply.

Mr. Ram Avtar Sheoran, Advocate has appeared on behalf of the complainant.

Adjourned to 21.02.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C. ”

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

Learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required. It has been further submitted that at the earlier instance, the petitioner was declared innocent.

Learned counsel for the complainant has opposed the bail application on the score that the case was transferred to District Police Palwal to State Crime Branch, Madhuban and as such, the petitioner was wrongly declared innocent.

Be that as it may, the petitioner was found innocent during the course of investigation. At the earlier instance, subsequently he has joined the investigation in pursuance of the interim directions, the investigation qua him is complete and even, supplementary challan has been presented against him.

In view of the aforesaid submissions, the order dated 24.01.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

22.11.2022

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(VIVEK PURI)
JUDGE

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