

GURVINDER SINGH

.....Petitioner

VS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM:- HON'BLE MR JUSTICE VIVEK PURI

Present:- Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 179 dated 17.11.2019 registered under Sections 323/34/3/377/406/498-A/506 IPC, 1860, at Police Station Dhing, District Sirsa.

The petitioner is the husband of the complainant and the marriage was solemnized in the year 2015. The matrimonial dispute has cropped up between the parties and consequently the FIR has been lodged.

At the earlier instance, the matter was referred to mediation and accordingly the arrest of the petitioner was stayed. However the mediation remained un-successful and subsequently, on 29.11.2021 the following order was passed.

“As per the report received from Mediation and Conciliation Centre, the matter could not be settled.

In terms of the order dated July 07, 2021, the petitioner was directed to appear before the Investigating Officer within one week and hand over the dowry articles.

Learned State counsel, on instructions from Inspector Kashmiri Lal has pointed out that the petitioner has now joined the investigation. In the instant case, though the arrest of the petitioner has been stayed but the articles are yet to be recovered.

Adjourned to 15.2.2022.

Meanwhile, it is directed the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the offence under Section 377 IPC has been deleted. The recovery of articles has been effected. The car was sold way back in the year 2016 and the petitioner was having two gold rings and the same have also been handed over to the Investigating Officer about a week ago.

On the instructions of Inspector Kashmir, learned State counsel states that the offence under Section 377 IPC has been deleted. The petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 29.11.2021 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 is allowed.

15.02.2022
Monika

(VIVEK PURI)
JUDGE

- | | | |
|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |