

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(315)

CRM-M-4350-2022

Date of decision: - 14.11.2022

Akash Verma

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kapil Mohan Singla, Advocate
for Mr. S.S. Grewal, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Joginder Siwach, Advocate
for Mr. Rakesh Gupta, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.112 dated 14.12.2021, registered under Sections 323, 498-A, 377, 406 and 34 IPC, at Women Police Station, Manesar, Gurgaon.

On 17.02.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.112 dated 14.12.2021, registered for offences under Sections 323, 498-A, 377, 406 and 34 of the Indian Penal Code, 1860, at Women Police Station, Manesar, Gurgaon, Haryana (Annexure P-1).

Counsel for the petitioner submits that the marriage of the petitioner and the complainant was solemnized on 29.11.2012 and the FIR (Annexure P-1), which has been registered 9 years after the marriage, is a fallout of a financial dispute between the families of the petitioner and the complainant. He submits that false allegations have been levelled against the petitioner under Section 377, IPC. Counsel has filed affidavit dated 15.02.2022 of the petitioner, which is taken on record, wherein, it has been, inter alia, deposed as under:-

“6. That from the perusal of allegations and details given above it is evident that the entire FIR and the list of articles are bundle of lies. However, it is correct that a sum of Rs.11 lacs was given in Shagun to the petitioner which he is ready and willing to return apart from other gifts which do not form part of dowry. They were merely gifts given to the petitioner and other family members. It is reiterated that the jewellery of the complainant is with her and nothing is in the custody of the petitioner and his relatives.”

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the State-respondent No.1. Upon instructions from L/SI, Kiran, she submits that the father-in-law of the complainant has been granted interim bail by the Ld. Additional Sessions Judge, Gurgaon, vide order dated 18.01.2022, who has joined the investigation and some recovery has been effected from him, though, the complainant has refused to accept the recovered articles. Upon further instructions, she submits that there are specific allegations against the petitioner and the contents of the affidavit filed by the petitioner are disputed.

List on 22.04.2022.

On an oral request made by counsel, he is permitted to implead the complainant as party-respondent No.2. The petitioner shall furnish the amended memo of parties to the Registry. Let the petitioner deposit a demand draft of Rs.1,50,000/- drawn in the name of complainant-respondent No.2 as litigation and travelling expenses with the Registrar General of this Court. Thereafter, issue notice to the newly impleaded respondent No.2 for the date fixed.

Meanwhile, the petitioner shall join the investigation and

would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

(SUVIR SEHGAL)
JUDGE

17.02.2022"

Thereafter, on 11.07.2022, a Co-ordinate Bench of this Court was pleased to pass the following order: -

"Upon instructions from L/SI Kiran, State counsel submits that although the petitioner has joined the investigation, but recoveries are yet to be effected from him.

Faced with the list of articles supplied by the State counsel, counsel for the petitioner submits that an amount of Rs.11 lac has been given to the petitioner as shagun, which he is willing to return.

Counsel for the complainant submits that a luxury car (BMW make) was purchased and given to the accused at the time of marriage, which also they are bound to return.

Petitioner is directed to re-join the investigation on 18.07.2022 at 11.00 am at Women Police Station, Manesar, Gurgaon, and co-operate with the Investigating Agency. He will also pay back the amount of Rs.11 lac, as offered by him.

List on 14.11.2022.

Interim order to continue.

(SUVIR SEHGAL)
JUDGE

11.07.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned counsel for the petitioner as well as learned counsel appearing on behalf of respondent No.2 have jointly submitted that the matter has been compromised.

Learned State counsel, on instructions from the Investigating

Officer, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid orders dated 17.02.2022 and 11.07.2022 and also the fact that the matter has been compromised and the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 17.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

November 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No