

**101+208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-17039-2022 in/and
CRM-M-5024-2020(O&M)
Date of decision: 03.08.2022**

DEEPAK KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K.Trikha, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI,J. (ORAL)

CRM-17039-2022

This is an application for addition of the offence under Section 406/493 IPC in the heading of the petition as well as in the prayer clause.

Learned counsel for the applicant contends that the aforesaid offences have been added subsequent to the registration of the FIR.

Learned State counsel has not opposed the prayer made by the applicant.

Accordingly, the prayer of addition of offence under Section 406/493 IPC in the head note and prayer clause of the main petition is allowed.

CRM application is disposed of.

Registry is directed to make necessary correction in the head note and prayer clause of the petition.

Main case

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.01 dated 02.01.2020, registered under Sections 323/354/506 IPC, 1860 (Sections 406/493 IPC added later on) at Women

Police Station, Yamuna Nagar, District Yamuna Nagar.

On 05.02.2022, the following order was passed:-

“Learned counsel for the petitioner states that the petitioner is husband of the complainant and it is on the basis of some apprehension on the part of the complainant that the petitioner has some extra marital relations, the present FIR has been registered against him.

Notice of motion for 01.05.2020.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down 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. Furthermore, the allegations have been levelled are to the effect that during the subsistence of the marriage, the petitioner was having marital relation with an another lady. Accordingly, it has been argued that the offence under Section 493 IPC is not made out and at the most, offence under Section 494 IPC can be termed to have been made out, which is bailable.

On instructions from HC Meenakshi, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 05.02.2020, granting interim bail to the petitioner is made absolute.

The petition is allowed.

03.08.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No