

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7424-2021

Date of Decision: 09.03.2022

MALKEET KUMAR @ MALKEET SINGH ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Jasneet Mehra, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Mr. Lalit Kumar Gupta, Advocate, for respondent No.3.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No.18 dated 11.01.2020 under Sections 323/406/498-A/506 IPC, Section 313 IPC added later on, registered at Police Station Mahesh Nagar, District Ambala.

On 20.08.2021, the following order was passed:-

“This is a petition that arose out of a matrimonial discord between the parties to marriage. It appears that the mediation has been unsuccessful.

Let fresh notice be issued to respondent No. 2 for 08.02.2022.

Meanwhile, petitioner is directed to join the investigation within a period of one week and hand over all the dowry articles and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated 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 and his custodial interrogation is not required. Even at the earlier instance, two separate FIRs were registered by both the parties against each other and the matter was amicably

settled. Even the complainant had given in writing (Annexure P-2) acknowledging the fact of some illicit relationship and apologized for the same. The petitioner has already instituted a petition under Section 9 of the Hindu Marriage Act, for Restitution of Conjugal Rights and the FIR is counter blast to the same. She further states that the complainant had suffered miscarriage due to some health issues and not on account of any beatings given to her.

Learned counsel for the complainant has opposed the bail application on the score that the allegations levelled in Annexure P-2 are palpably false. Furthermore, there are allegations with regard to the commission of offence under Section 313 IPC as the complainant had suffered miscarriage when she was running 7th week of pregnancy. It has also been stated that the articles of *istridhan* are yet to be recovered.

However, learned State counsel, on instructions from SI Balkar, has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

On a query from the Court, it has also been pointed out that all the medical records pertaining to miscarriage has already been taken into possession by the Investigating Officer. The allegation with respect to giving dowry articles will be a debatable issue during trial.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of anticipatory bail to the petitioner. Accordingly, order dated 20.08.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

09.03.2022
smriti

(VIVEK PURI)
JUDGE

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