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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-11458-2022 in/and
CRM-M-8937-2021
Date of decision: 28.03.2022

ROHIT KASHYAP

...APPLICANT/PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Namit Khurana, Advocate
for the applicant/respondent No.2.

Mr. Viney Saini, Advocate
for the non-applicant/petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J. (ORAL)
CRM-11458-2022

The applicant seeks to place on record the photographs of marriage and statement of loan taken in the name of the complainant as Annexures R-1 and R-2 respectively.

CRM application is disposed of and Annexures R-1 and R-2 are taken on record.

Registry to tag the same at the appropriate place.

Main case

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 28 dated 13.01.2021, registered under Sections 498-A/406/420/506 IPC, 1860, at Police Station City Yamuna Nagar, District Yamuna Nagar.

On 07.01.2022, the following order was passed.

*“The matter has been taken up through Video Conferencing due to Covid-19 pandemic.
As per the report of Mediator, the mediation proceedings remained unsuccessful.*

Petitioner is seeking anticipatory bail in case bearing FIR No.28, dated 13.01.2021, under Sections 498-A, 406, 420 and 506 of the IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar, on account of matrimonial dispute between the petitioner and respondent No.2. The other family members of petitioner have been released on bail and the loan documents were executed in the name of respondent No.2 herself. The order dated 18.08.2021 indicates that learned counsel for the petitioner had sought time to place on record some documents. However, it has been pointed out today that in fact respondent No.2/complainant has to place on record some documents and for that purpose, time has been sought for.

Learned State counsel has also pointed out that earlier the arrest of the petitioner was stayed and he is yet to join the investigation.

In view of the request of learned counsel for respondent No.2-complainant, adjourned to 17.03.2022.

Meanwhile, 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. ”

On 17.03.2022, on instructions from ASI Lakhwinder Masih, learned State counsel had submitted that the petitioner had joined the investigation and is not required for custodial interrogation.

In view of the aforesaid submissions, the order dated 07.01.2022, granting interim bail to the petitioner is made absolute.

Furthermore, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

28.03.2022
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(VIVEK PURI)
JUDGE

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