

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

208

CRM-M-6269-2019

Date of Decision:08.09.2022

RAJAN KHANNA

...PETITIONER

VERSUS

THE STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Govind Chauhan, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Balraj Gujjar, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.779 dated 05.11.2018, Annexure P-1, registered under Sections 498-A, 406, 323 and 506 of IPC, 1860, at Police Station Sarai Khawaja, Faridabad.

FIR, Annexure P-1, is an outcome of a matrimonial dispute.

While issuing notice of motion, this Court vide order dated 11.02.2019 directed the petitioner to surrender before the Arresting/Investigating Officer and on doing so, he was ordered to be released on interim bail.

Upon instructions from ASI Mahavir, State counsel submits that the petitioner has joined the investigation and recovery of some personal items of the complainant has been effected. She submits that the petitioner is no longer required for custodial interrogation.

During pendency of the instant petition, counsel for the complainant submitted that the original academic certificates and some

personal documents of the complainant are still in the possession of the petitioner. The expenditure likely to be incurred on obtaining the duplicate copies of the documents was quantified at Rs.10,000/- by her counsel, which the complainant refused to accept on the subsequent date as she asserted that the amount was too less.

Further an apprehension was expressed by the counsel for the complainant that the petitioner possesses a mobile phone, which contains objectionable photographs and messages. It has been submitted that even though the petitioner claims that the mobile phone has been misplaced, yet the soft copies are still in his possession.

To allay the apprehension expressed by complainant/respondent No.2, the petitioner was directed to file an affidavit, which he has done and its relevant extract is reproduced as under:-

“5. That in terms of directions of this Hon'ble Court the petitioner deposes that he will not misuse, viral, circulate or upload on social media the objectionable photographs or messages, which are alleged to be in his possession.”

Petitioner's affidavit dated 07.08.2022 is taken on record.

In view of the above, without commenting upon the allegations levelled in the petition, present petition is allowed and order dated 11.02.2019 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

08.09.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No