

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-8178-2022

Date of decision:- 10.10.2022

Mukesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit Kumar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana
for State-respondent No.1.

Mr. Virender Kumar, Advocate
for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.698 dated 20.12.2021, registered for offences under Sections 498-A, 406, 294, 323, 354 and 120-B of the Indian Penal Code, 1860, at Police Station Sector 32-33, Karnal, District Karnal, Annexure P-1.

Counsel for the petitioner submits that the petitioner, who is the husband of the complainant-respondent No.2, has joined the investigation pursuant to order dated 31.05.2022 passed by this Court. Still further, he submits that an amount of Rs.4 lacs has been deposited by him with the Area Magistrate in deference to the order passed by this Court.

Upon instructions received from SI, Shamsheer, State counsel has affirmed that the petitioner has joined the investigation, though she submits that recovery of dowry articles is to be effected from him. She is supported by counsel for the complainant-respondent No.2.

However, counsel for the petitioner submits that without admitting the allegations, petitioner has already deposited the cash equivalent of the articles alleged to be in his possession.

In view of the above development, but without commenting upon the allegations levelled in the FIR, interim order dated 31.05.2022 is made absolute, subject to the conditions envisaged under Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

Vide order dated 22.03.2022, this Court has already directed that the amount of Rs.4 lacs deposited by the petitioner with the Area Magistrate will be kept in a Fixed Deposit with a Public Sector Bank for a period of six months with instructions for automatic renewal and that the deposited amount along with interest accrued thereon, will be paid to the party, who is found entitled to the same on conclusion of the trial.

It is clarified that the deposit of the amount by the petitioner will be without prejudice to his right of defence.

10.10.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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