

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

CRM-M-11623-2022

Date of Decision: 27.07.2022

VINEET AND ANR

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Parminder Singh, Advocate
for the petitioners.

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

VIVEK PURI, J.(ORAL)

On 21.03.2022, following order was passed:-

“Petitioners are seeking anticipatory bail in case bearing FIR No.129 dated 20.02.2022 under Sections 498-A, 406, 506, 354 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioners contend that the marriage of petitioner No.1 with respondent No.2 was solemnized on 28.06.2021. Respondent No.2 was already married with Ajay Kumar and the said marriage was still subsisting at the time of marriage of petitioner No.1 with respondent No.2. The fact of earlier marriage was concealed by the respondent No.2. Ajay Kumar, the earlier husband has already instituted a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights against respondent No.2 and the same is still pending. Petitioner No.1 has submitted a complaint, Annexure P-5 with regard to the fraud played upon him by solemnization of second marriage of respondent No.2 with the petitioner. Subsequently, the matter was amicably settled in terms of the compromise, Annexure P-6. It was settled that petitioner No.1 shall pay a sum of Rs.3 lakh to respondent No.2 to compensate for the expenses incurred on meals at the time of marriage ceremony and will further return the articles. Respondent No.2 had also sworn an affidavit, Annexure P-7 affirming the fact of compromise. It has been further stated that the articles have been returned and the amount of Rs.3 lakh has been handed over

to the members of Panchayat with whose intervention, the amicable settlement was effected. Subsequently, respondent no.2 has back tracked and submitted the complaint, on the basis which of, present FIR has been registered. It has further been stated that the penal provisions of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not attracted as there is nothing to suggest that any derogatory words invoking the penal provisions were uttered in public view.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana, accepts notice on behalf of the State.

Adjourned to 27.07.2022.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Surinder Singh, has not assailed the aforesaid factual aspect(s) and further states that the custodial interrogation of the petitioners is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 21.03.2022, vide which petitioners have been granted interim bail, is made absolute.

Petition is allowed.

27.07.2022
smriti

(VIVEK PURI)
JUDGE

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