

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

202+101

CRM-M-25643-2018 (O & M)

Date of Decision:04.04.2022

ASHU GUPTA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gourav Verma, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Parveen Kaushik, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J.(ORAL)

CRM-5196-2022

Allowed as prayed for.

Affidavit dated 17.01.2022 executed by the complainant, is taken on
record as Annexure R-1.

CRM-M-25643-2018 (O & M)

While granting interim protection to the petitioner, this Court passed
the following order on 13.06.2018:-

“Petitioner has approached this Court for grant of anticipatory bail in the light of registration of FIR No.07 dated 01.05.2018, at Women Police Station, District Sonapat, under Sections 376 (2) N and 506 of the Indian Penal Code, against him.

It is the contention of the learned counsel for the petitioner that the FIR which has been lodged is of 01.05.2018, whereas, the petitioner has married the complainant on 17.05.2018. As a matter of fact, the petitioner was not even aware of the fact that there is some complaint filed against him or an FIR stood registered. He further states that the petitioner is ready and willing to join investigation and cooperate with the same.

Notice of motion.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the State-respondent No.1. Counsel for the petitioner has supplied a copy of paper-book to the counsel for the State-respondent No.1 in Court, who shall seek

instructions with regard to the assertion of the counsel for the petitioner that the petitioner has married the complainant on 17.05.2018 or not?

*Respondent No.2 be served by **dasti** process also for the next date of hearing.*

*List on **05.07.2018** for consideration.*

Meanwhile, petitioner appear before the Investigating Officer concerned and join investigation and cooperate with the same. In case the petitioner is arrested, he shall be released on bail to the satisfaction of Arresting Officer, subject to the conditions as contained in Section 438 (2) of the Code of Criminal Procedure.”

Upon instructions from L/ASI Menka, State counsel submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

Counsel for the complainant/respondent No.2 has referred to the affidavit dated 17.01.2022, Annexure R-1, of the complainant, relevant extract of which is reproduced as under:-

“2. That I have matrimonial dispute with my husband Ashu Gupta son of Sh. Naresh Gupta resident of H.No-5/533, Indira Colony, Sonipat and in regard of that, I have got Decree of Divorce by the Hon'ble Judge Alka Malik, Additional Principle Judge, Family Court, Sonipat on 27.10.2021.

3. That all the settlement has been executed between both of us and I have no connection with him in the near future.

4. That I have no objection if the Anticipatory Bail application will be granted in favour of Ashu Gupta son of Sh. Naresh Gupta.

5. That I am giving this affidavit with my own free will, without any threat, coercion and pressure.”

In view of the above, the present petition is allowed and the order dated 13.06.2018 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.

04.04.2022
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(SUVIR SEHGAL)
JUDGE

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