

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

CRM-M-17096-2019 (O&M)
Date of Decision: 22.08.2022

RAVI SHARMA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bipan Ghai, Sr. Advocate with
 Mr. Prabhdeep Singh Bindra, Advocate
 for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. Manoj Kaushik, Advocate
for the complainant.

VIVEK PURI J.

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 57 dated 15.02.2019 under Sections 498-A, 406, 377, 506 and 34 of IPC registered at Police Station NIT Faridabad, District Faridabad.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 19.02.2017. The petitioner is a qualified Doctor and serving as Major in the Indian Army and the complainant is also a dental surgeon. The petitioner is paying Rs. 21,000/- per month on account of maintenance in pursuance of the orders passed by the Court. Besides, the petitioner, his mother and brothers have been arraigned as accused. The allegations with regard to attempt to commit rape have been levelled against Jitender Sharma, brother of the petitioner, who has been granted pre-arrest bail in terms of order dated 03.04.2019 passed by the Court of learned Additional Sessions Judge, Faridabad. Even the mother of the

petitioner has been granted pre-arrest bail by the court of Sessions. The complainant had stayed in the house of the petitioner, after the marriage, only for few days. In the FIR, there are general and vague allegations with regard to demand of dowry and harassment meted out to the complainant. In pursuance of the interim directions, the petitioner has joined the investigation and the recovery has already been effected.

On the instructions of ASI Lekh Raj, learned State counsel submits that the petitioner has joined the investigation and recovery of articles of *Istreedhan* has been effected. However, the complainant is not turning up for identification of the said articles, despite repeated calls. Furthermore, the complainant had also levelled allegations of stalking against the petitioner, regarding which an FIR bearing No. 488 dated 30.07.2021 was registered under Section 354-D at Police Station Suraj Kund. After thorough investigation, untraced report has been submitted in the said case.

Learned counsel for the complainant has opposed the bail application on the score that the parents of the complainant had spent about Rs. 60,00,000/-, at the time of marriage. The complainant has been thrown out of the matrimonial house after a period of about two and half months from the marriage. There are serious allegations levelled against the petitioner and after getting interim bail, the petitioner had been involved in stalking the complainant.

On 13.05.2022, the following order was passed:

"Learned State counsel, on instructions from ASI Kuldeep Singh, states that the petitioner is yet to join investigation as his arrest has been stayed.

Adjourned to 22.08.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of

Criminal Procedure."

In pursuance of the interim directions, the petitioner has joined the investigation and the recovery has been effected. Furthermore, the co-accused have been granted bail. The petitioner is a qualified Doctor and serving as a Major in the Indian Army. He is also paying the monthly maintenance amount to the complainant. Furthermore, the allegations with regard to stalking have been found to be not substantiated, and untraced report has been submitted after the investigation.

Keeping in view the entire circumstances prevailing in the instant case, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Accordingly, the order dated 13.05.2022, is made absolute.

The petition is accordingly allowed.

22.08.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No