

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17547-2019 (O&M)
Date of Decision: 17.08.2022

VIKAS

... PETITIONER

V/S

STATE OF HARYANA & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunil Saharan, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 333 dated 09.12.2018 under Sections 323, 498-A, 406, 506, 34 IPC, registered at Police Station Adampur, District Hisar, Haryana.

On 16.04.2019, following order was passed:

“Inter alia contends that the parties were married on 10.12.2016 and petitioner is working as Manager with the PNB Bank and is posted at Kerala. The dispute as such is on account of being dislocated and far-away from the home State and on account of not adjusting by the complainant. It is further submitted that efforts for mediation had also been attempted but could not fructify. The benefit of interim relief had also been granted but had been finally denied on the ground that recovery of dowry articles have not been effected. It is further submitted that the parents have been granted the benefit of bail and recovery as such has been duly effected.

Notice of motion for 22.05.2019.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on *ad interim* bail by the Investigating Officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438 (2) Cr.P.C.

Notice be issued to the complainant Sushila r/o Village Mohabbatpur, PS Adampur, District Hisar for the date fixed.

Parties shall come present on the next date so that the matter can be referred to the Mediation Centre.”

During the course of mediation proceedings, the parties could not

reach any amicable settlement.

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation. The parents of the petitioner have been granted anticipatory bail and the recoveries have already been effected. The challan against the parents of the petitioner has been presented. Even the CD, which was passed on to the Investigating Officer during the course of proceedings in this Court does not form part of the challan presented against the parents.

Learned State counsel, on instructions from ASI Maninder, submits that the petitioner has joined the investigation and his custodial interrogation is not required. It has been further submitted that the CD has been examined, the requisite certificate under Section 65B of Indian Evidence Act has been procured and the statement of the photographer who conducted the videography at the time of marriage has also been recorded during the course of investigation. The same will be submitted in the trial Court along with the supplementary challan to be presented against the petitioner. It has also been stated that another case under Sections 323 and 341 IPC has been registered against the petitioner in the state of Kerala at the instance of the complainant. However, it has not been disputed that the petitioner is on bail in that case.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 16.04.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

17.08.2022

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No