

CRM-M-20578-2020
CRM-M-21846-2020

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203/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 14.02.2022

CRM-M-20578-2020

RAJENDER SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS
CRM-M-21846-2020

PAWAN KUMAR ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Dr. A.K.Bishnoi, Advocate for the petitioner(s).

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. Sandeep Verma, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

In CRM-M-20578-2020, on 28.07.2020 following order was
passed:

“Learned counsel submits that the son of the petitioners namely Pawan Kumar solemnized marriage with the complainant on 23.11.2019. The allegations against the petitioners are false and fabricated. Learned counsel for the petitioners further submits that the son of the petitioners who was working in Maruti, has been retrenched from service.

Notice of motion for 17.11.2020.

On asking of the Court, Ms. Mahima Yashpal, D.A.G, Haryana and Mr. Sandeep Verma, Advocate accepts notice on behalf of the respondent-State and respondent No. 2 respectively.

Learned counsel for the complainant submits that the complainant is in the family way. He further submits that petitioner No. 1 is working in Haryana police.

Subject to deposit of Rs.50,000/- before the Registry of this Court in the name of the complainant towards litigation expenses, petitioners are directed to join the investigation as and

when called by the Investigating Officer. In the event of their arrest, they shall be released on bail by the Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438 (2) Cr.P.C:-

- (a) that the petitioners shall make themselves available for interrogation by a police officer as and when required;
- (b) that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (c) that the petitioners shall not leave India without the previous permission of the Court;
- (d) such other condition as may be imposed under sub section (3), as if the bail were granted under that section.

A direction is given to District and Sessions Judge, Rewari to call the parties for an out of Court settlement”.

In CRM-M-21846-2020, on 06.08.2020, following order was passed:

“Notice of motion.

On the asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent-State.

A perusal of the order dated 28.07.2020 passed by this Court in CRM-M-20578-2020 shows that subject to deposit of Rs.50,000/- before the Registry of this Court, anticipatory bail was granted to parents of the petitioner. Counsel for the complainant had informed that the complainant was on the family way.

Adjourned to 17.11.2020.

Meanwhile, subject to deposit of Rs.30,000/- before the Registry of this Court in the name of complainant, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court.
- (iv) such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.

Petitioner will participate in the mediation for an out of Court settlement.”

It has been stated by learned counsel for the petitioner(s) that in pursuance of the interim directions issued by this Court, the petitioner(s) have joined the investigation and furthermore, an amount of Rs. 50,000/- and Rs. 30,000/- which was to be deposited on account of litigation expenses, has already been credited in the account of the complainant.

Learned State counsel, on instructions from ASI Balwati, has not disputed the aforesaid factual position of the case and has stated that the petitioner(s) have joined the investigation and their custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The orders dated 28.07.2020 and 06.08.2020 are made absolute.

The petitions stand allowed.

14.02.2022
Janki

(VIVEK PURI)
JUDGE

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