

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27707-2022
Date of Decision: 09.08.2022

ANIL KUMAR CHAUDHARY AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajat Mor, Advocate for the petitioners.

Mr. Zorawar Singh Chauhan, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Petitioners are seeking anticipatory bail in case bearing FIR No. 129 dated 18.05.2022 under Sections 406, 498-A, 34 IPC (Sections 377, 506 IPC added later on), registered at Police Station Rohtak Civil Lines, District Rohtak.

On 29.06.2022, following order was passed in the main case:

“Inter alia contends that the petitioners are old persons aged 62 years and 60 years respectively and even as per the FIR, no specific allegations have been made against the petitioners and the allegation with respect to Section 377 IPC has not been levelled against the petitioners. It is submitted that the son of the petitioners was married to the complainant and after the complainant had left the matrimonial house, the son of the petitioners had filed a petition under Section 9 of the Hindu Marriage Act for grant of restitution of conjugal rights and the same is still pending and the said application was filed prior to the registration of the present FIR. It is further submitted that the petitioners were served with the notices under Section 41(1) Cr.P.C. and the petitioners have joined the investigation and have further submitted that even as per the FIR, it is apparent that the marriage was simple and the allegations that have been levelled start from the time pertaining to the year 2014 and the FIR has been registered after a gap of more than 6 years. It is argued that the son of

the petitioner has joined the investigation and the complainant has given an undertaking (Annexure P-4) to the effect that all the documents, except the passport of the complainant and that of the son of the complainant, have been received from the son of the petitioners. It is further argued that the petitioners are suffering from old age problems and there is no MLR to substantiate that any beatings had been given to the complainant. It is contended that the petitioners have all the love and affection for the complainant and to show their bona fide, and without admitting their liability, they are even ready to pay an amount of Rs.30,000/- to the complainant.

Notice of motion for 09.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare demand draft to the tune of Rs.30,000/- and hand it over to the Investigating Officer within a period of two weeks from today when the petitioner goes to join the investigation.

The Investigating Officer is directed to hand over the said draft to the complainant after taking a receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over by the petitioner within the abovesaid period then the interim order granted in favour of the petitioner would be liable to be vacated. ”

Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioners have joined the investigation and the demand draft in the sum of Rs. 30,000/- has also been handed over to the Investigating Officer. Furthermore, Chetan Singh, son of the petitioners and husband of the complainant has been granted pre-arrest bail by the Court of Sessions.

Learned State counsel, on instructions from ASI Kapil, has not assailed the aforesaid factual aspect and further contends that custodial interrogation of the petitioner is not required.

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 29.06.2022 is made absolute.

The petition stands allowed.

09.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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