

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

CRM-M-35651-2021

Date of Decision: 27.07.2022

SAHIL KUMAR

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Yashdeep Nain, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

On 01.09.2021, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.64 dated 05.02.2021 under Sections 313, 323, 377, 406, 498-A, 506 IPC registered at Police Station Gharaunda, District Karnal.

Learned counsel submits that the FIR emanates from a matrimonial dispute between the petitioner and his wife i.e. the complainant who has with an ulterior motive planted this case on him by levelling false and fabricated allegations. Learned counsel submits that the allegation levelled in the FIR to the effect that when the complainant was three months pregnant the petitioner and his family members took her to a Doctor and got her injected as a result of which the foetus was aborted is patently false as there is no medical evidence on record to support the said allegation.

Notice of motion for 12.01.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. There is no evidence to substantiate the allegations with regard to commission of offence under Section 313 IPC. Even, subsequently, the complainant has conceived and gave birth to a son.

Learned State counsel, on instructions from L/ASI Suman submits that the petitioner has joined the investigation and his custodial interrogation is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 01.09.2021 vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

27.07.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No